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Journal
of the
House of Representatives.
Eighth Session.
First Day.

House of Representatives

Boise City I. T. Dec. 7th 1874

Pursuant to the requirements of law, the House met at 12 o'clock M., and was called to order by James H. Hagerty Chief Clerk of the last Session.

The House then proceeded to a temporary organization.

Mr Pierce nominated W. S. Anderson of Alturas County for Speaker Pro Tem.

Mr Robbins nominated Mr G. L. Shoup of Lemhi county for Speaker Pro-Tem

Mr Anderson receiving a majority of all the votes cast was declared elected.

Mr McCarty nominated E. D. Cahalan of Ada county, for Chief Clerk Pro-Tem.

Mr Cahalan was unanimously elected.

Mr Tuney, nominated William G. Davidson of Ada County for assistant clerk Pro Tem.

Mr Davidson receiving all the votes cast was declared elected

For Sargeant-at-arms, Pro. Tem ——

Mr Stevenson nominated W. W. Ludden of Ada County

Mr Cleary nominated John Ward of Owyhee County.

Mr Robins nominated H. A. Mattox of Boise County.

Mr Mattox having received a majority of all the votes cast was declared elected.

Mr Stevenson moved that the rules of the last House be the rules governing the temporary organization of this House carried.

For door Keeper Pro. Tem. Mr Steward nominated Cunningham of Boise county, and Mr Sheets nominated Simkins of Idaho County. Mr Cunningham having received a majority of all the votes cast was elected

Moved by Mr Campbell that a committee of three be appointed on credentials.

Mr Pierce moved an amendment that a committee of one from each county be appointed.

Amendment accepted and motion prevailed. and the following gentlemen appointed by the Speaker.

Committee.

Ada county	J. B. Pierce
Alturas "	R. E. Sidebotham
Boise "	M. G. Feeney
Idaho "	P. Cleary
Lemhi "	Shoup
Owyhee "	P. Culp
Nez Perce "	Goat
Oneida "	W. Clements
Shoshone "	Nelson

On motion of Mr Pierce the House till to morrow morning at 10. o'clock

Attest J. D. Cashalan Chief Clerk E. Co Stevenson Speaker House of Representatives

Second Day,

House of Representatives.

Boise City I. T. Dec. 8th 1874.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, Quorum present.
Journal of yesterday read and approved.
The committee on credentials report as follows:

Mr Speaker. — Your committee on credentials beg leave to report that the following named gentlemen, from the several counties have presented duly authenticated certificates of election, and are therefore entitled to seats in this House.

From Alturas County.
R. A. Sidebotham, and R S. Anderson.
From Ada County.
Orlando Robbins, J. H. McCarty, J. H. Paddock, and J B. Pierce.
From Boise County.
M. S. Looney, E. A. Stevenson, Fred Campbell, L. W. Steward, Josiah Carr, C. R. White, J. W. White and C. B. Baldwin.
From Idaho County.
Philip Cleary and George M. Shearer.
From Lemhi County.
George L. Shoup, and F. L. Duthill
From Oneida County.
L. Pool, E. M. Hunt, Isaac Culp and E. A. Moore,

From Oneida County.
William Clemens,
From Nez Perce County,
William Great and D S. Waldrop,
From Shoshone County.
C E. Nelson,

Respectfully Submitted
J. B. Pierce
Chairman

Moved by C R. White that the report of the committee be received and adopted and the committee discharged Carried.

On motion of Mr Pierce a committee of two consisting of Messrs Pierce and Sharp, were appointed to wait upon Judge Hollister, and request him to administer the oath of office to the members of the House.

Moved by Mr Robbins, that protest of Mr Rhett against Mr Shearer holding a seat in the House as a member thereof be read, and acted upon: Motion withdrawn.

Moved by Mr Sidebotham, that Mr Shearer and Mr Rhett, be excluded from the house until contest be finally decided. Motion lost.

Mr Pierce chairman of committee to wait upon Judge Hollister reported that Judge Hollister would be present in a short time to administer the oath of office to the members of the House.

On motion of Mr Feeney the House took a short recess, to await the arrival of Judge Hollister.

House reassembled at 10½ O'clock A. M. Speaker Pro Tem in the chair.

Judge Hollister appearing before the House was introduced to the Speaker.

by Mr Pierce, and was requested by the speaker, to administer the following oath, to the members of the House. You, and each of you do solemnly swear that to the best of your knowledge and and ability, you will support and defend, the Constitution of the United States against all enemies foreign and domestic, that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of a legislator of Idaho Territory during the term for which you have been elected, and of the office, you which you are about to enter. So help you god,

On motion of Mr Pierce, the house proceeded to the election of permanent officers.

On motion of Mr Love, the rules of the House were suspended, and the vote for officers Ordered to be taken by ballot.

Mr Steward nominated E. A. Stevenson, of Boise County, for Speaker.

On motion of Mr Robbins, nominations for Speaker closed.

The Speaker Pro Tem, appointed Messrs Hunt and Pierce, to act as tellers.

The House proceeded to ballot for Speaker with the following result

For E. A. Stevenson 23 votes blank 1 not voting 2,

Mr Stevenson having received a majority of all the votes cast, was declared duly elected.

On motion of Mr Pierce, a Committee of two, consisting of Messrs Steven and Pierce, to conduct the Speaker elect to the

Mr. Stevenson on taking the chair addressed the House as follows:

Gentlemen of the House of Representatives:

I thank you for the Honor conferred, by your unanimously electing me as your presiding officer, and shall endeavor to faithfully, honestly, and impartially discharge the duties of the honorable position to which you have called me.

I have observed most of the members of former legislative bodies in this Territory, and I can certainly congratulate you, by saying that the Council and House of Representatives of the eighth session, are composed of a better class of men, than I have ever yet assembled as law-makers in the Territory of Idaho.

The people of this Territory expect much at our hands, and I assure you, Gentlemen, that in every measure that tends to benefit our people, and relieve them of the onerous burdens of oppressive taxation, you shall have my earnest and undivided cooperation.

I would urge you to go to work at once, like good business men, and improve the short time allotted us, for, if we, like our predecessors, drift away, and waste the first part of the session, and let important measures hang along until the latter part of the forty days, you will find when too late that we have accomplished but little. Hoping that our deliberations may

result in good to our constituents and Honorable and pleasant to ~~us as~~ individual members.

The House then proceeded to the election of its other officers.

Mr Pierce nominated E. D. Cahalan, of Ada County, for Chief Clerk.

Mr Robbins nominated Elias Barbour of Ada County, for Chief Clerk.

First Ballot: for Cahalan, 14 votes, for Barbour, 11 votes, blank 1.

Mr Cahalan having received a majority of all the votes cast, was declared duly elected.

Mr Anderson nominated E. J. Curtis, of Alturas County, for assistant Clerk.

Mr Moore nominated James Monroe of Onyhee County, for assistant Clerk.

Message from the Council:

Council Chamber:

Boise City I. T. Dec 8th (1874

Mr Speaker: I am instructed to inform your honorable body, that the Council of the legislative assembly have permanently organized by the election of the following officers — E. C. Beaty president. E. J. Curtis, Chief Clerk. S. P. Matthews Assist. Clerk. D. H. Wulf, Enrolling Clerk. J. H. Slater, Engrossing Clerk. J. M. Anderson Sargeant-at-Arms. A. J. Ingalls Door Keeper, Master H. T. Pitts, Messenger.

C. A. Baker
Chief Clerk.

First ballot for assistant clerk resulted, Curtis 14. Monroe 12. Mr Curtis, having received a majority of all the votes cast, was declared duly elected,

For engrossing clerk Mr C R. White, nominated Miss Hattie E. Lucket of Boise County.

Mr Robbins nominated David Markham, of Ada County.

First ballot for Miss Lucket, 23 votes, for Markham, 3 votes. Miss Lucket receiving a majority of all the votes cast, was declared duly elected,

For Enrolling clerk Mr Lemmy nominated B. Sholl of Ada County Mr Campbell nominated W B. Thews of Ada County,

First ballot for Thews, 14 votes, for Sholl, 12 votes, Mr Thews having received a majority of all the votes cast, was declared duly elected.

For Sergeant-at-Arms, Mr Shoup nominated Gilmore Hays, of Owyhee County, Mr Hunt nominated Green White, of Owyhee County.

First ballot for White, 15 votes, for Hays, 11 votes. Mr White having received a majority of all the votes cast, was declared duly elected.

Mr Geary nominated John Ward, Of Owyhee County, for Door Keeper. Mr Sidebotham nominated J, Clyde, of Alturas County.

Mr Stewart nominated, Cunningham of Boise County.

First ballot, for Ward 11. Clyde 13, Cunningham 2, There being no choice The House proceeded to a second ballot.

Second ballot: Ward 12 Clyde 13.
Cunningham 1.— no choice.
Mr Stewart withdrew the name of
Mr Cunningham.
Third ballot:— Ward 13. Clyde 13.—
no choice
Fourth ballot:— Ward 13. Clyde 13.
No choice.
On motion of Mr Lunn House
adjourned till 2 O'clock P.M.

Afternoon Session

House of Representatives
2. O'clock P.M.

The House met pursuant to adjournment.
Speaker in the Chair.
Roll called. All present.
Fifth ballot:— for Door Keeper. for
Ward 13. for Clyde 13. no choice
Sixth ballot:— Ward 14. Clyde 12.
No Ward receiving a majority of all
the votes cast, was declared elected.
For Messenger Mr Looney nominated
Dixie Boone, Mr Robbins nominated
Monte Swain.
First ballot:— Boone 15 Swain 11.
Master Boone receiving a majority of
all the votes, was declared elected!
On motion of Mr McCarty, a committee
of two, consisting of Messrs McCarty
and, J. W. White, appointed by the
Speaker to wait on judge Hollister,
and request him to administer the
oath of office, to the Speaker elect.
Auditing the arrival of judge Hollister
the House on motion of Looney took
a short recess.
On the arrival of judge Hollister,
the House reassembled. Committee

reported, and introduced Judge Hollister, who administered the following oath to the Speaker elect. You do Solemnly Swear, that to the best of your knowledge, and ability, you will support and defend the Constitution of the United States against all enemies, foreign and Domestic; that you will bear true faith and allegiance to the same; that that you take this obligation freely, without any mental reservation or purpose of evation; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The Speaker then administered the oath of office to the attaches separately.

On Motion of Mr Anderson a Committee of three consisting of Messrs Anderson, Shoup and Cook, were appointed by the Speaker, to act with a like committee from the Council, to wait upon and inform his excellency the Governor, of the permanent organization of the Legislative assembly of the Territory of Idaho, Eighth Session, and their readiness to receive any communication he may have to make,

On motion of Mr Looney, House took a recess till 3 O'clock P.M.

House reassembled.

Mr Anderson introduced, Mrs. Louckt to the Speaker, who administered to her, her oath of office.

On motion of Mr Pierce a committee of three, consisting of Messrs Pierce, Shoup, and Sidebotham, were

appointed to prepare rules for the government of the House.
On motion of Mr Feiney the Sargent-at-Arms was instructed to confer with the Secretary of the Territory and request him to make provision for supplying the Hall of the House of representatives with more light.

Message From the Council

Council Chambers

Boise City Dec 8th 1874

Mr Speaker:-

I am instructed to inform your honorable body that the Council have appointed a committee consisting of Members Prickett and Kennedy, to act with a like committee from the House, to wait upon and inform His Excellency the Governor, of the permanent organization of the Legislative Assembly of the Territory of Idaho, Eighth Session; and their readiness to receive any communication, he may have to make.

E E. Carr
Chief Clk.

The committee appointed to wait upon the Governor, verbally reported, that His Excellency would meet the two Houses in joint convention, in the hall of the House of representatives at 7.30 P.M.

On motion of Feiney House adjourned until 7 Oclock P.M.

Evening Session. 7 o'clock P. M.

House met pursuant to adjournment.
Speaker in the chair.
Roll called, All Present, Except Gove, McBarty, Paddock, Robbins, Stewart and Sidebotham.

The following resolution was offered by Mr Anderson.

Be it resolved by the House of Representatives, that this House do hereby invite the Council to meet the House in joint convention in the Hall of the House of Representatives, at 7.30, O'clock P. M, for the purpose of receiving the message of His Excellency the Governor of Idaho Territory.

The resolution passed.

Message from the Council.

Council Chamber.
Boise City Dec 8th 1874.

Mr Speaker:- I am instructed to inform your Honorable body, that the Council accepts the invitation extended to meet the House in joint convention in the Hall of the House of Representatives this evening, at 7.30 O'clock P. M. for the purpose of receiving the Governors message.

E. T. Carr.
Chief Clerk.

On motion of Mr Robbins, the House took a recess of fifteen minutes.

...

House reassembled, Speaker in the chair. Roll called, All present.

On pursuance of a resolution passed by the House, inviting the Council to meet the House in joint convention to receive the Governors Message, the convention met at the appointed time, Hon E. T. Beatty, Preident of the Council in the chair.
Council Roll Called. All present.
House roll called. All present.

On motion of Mr Hawley of the council, Messrs Picket and Hawley of the council, and Messrs, Robbins and Tithill, of the House, were appointed a committee, to wait upon the Governor, and inform him, that the Council and House, are convened, in joint convention, and ready to receive him.
The committee retired, and duly returned, accompanied by the Governor,

Prayer by the Rev. J. A. Van Anda,

The President then introduced his Excellency Governor Bennett, who thereupon delivered his message.
His Excellency, also presented the reports, of the Territorial Controller.
Superintendent of Public Instruction,
Territorial Treasurer, and Prison commissioner.
On motion of Mr. McNally of the council, the joint convention adjourned sine die.
The Council then withdrew, and the House resumed the regular order of business.
On motion of Mr Robbins. House adjourned,

E. A. Stevenson
Speaker House of Representatives

Attest T. D. Cahalan
Chief Clerk

Third Day.

House of Representatives
Boise City T.T. Dec. 9th 1874

House met pursuant to adjournment.
Speaker in the chair.
Roll called. All present, except Messrs. Cleary, Groat, Nelson, Shearer, and Shoup.
Journal of yesterday read and approved.
Motions and Resolutions.
Moved by Mr Love, that the seats in this House be drawn by lot.
Motion lost.

Moved by Mr Pierce, that two hundred copies of the Governor's Message be printed for the use of the legislative assembly.
Motion carried

Message from the Council
Council Chamber
Boise City, T.T. Dec 9th 1874

Mr Speaker:

I am instructed to to inform your honorable body, that Messrs McNally, and Pickett, have been appointed a committe on rules and joint rules of order, to confer with a like committe from the House to report Rules for the government of the two Houses.

E.B. Carr
Chief Clk Council

On motion Mr Campbell, a committee of two was appointed consisting of Messrs Campbell, and Anderson, to act with a like committee from

The council to report joint rules for the government of the two Houses.
On motion of Mr Feeney, the House adjourned untill two o'clock P.M.

Afternoon Session

House met pursuant to adjournment
Speaker in the chair.
Roll called. All present, except -
Messrs. Paddock, and Sidebotham.

Report of Committee

Mr Pierce, chairman committee on rules submitted the following report;

Mr Speaker:

Your committee on rules respectfully recommend, the adoption of the rules of the last session of the House of Representatives, of this Territory, with the following amendments viz: in rule 14. insert, as the 10th committee, Rail roads and Telegraphs, and number the remaining committees to correspond. On rule twenty, in fourth line, after the word, Read. Strike out the word, (in), and insert the word, (by). All of which is respectfully submitted.

J B, Pierce, Chairman

On motion of McCarty, the report was adopted, and committee discharged.

On motion of Mr Pierce, the privileges of the House were tendered to the members of the Press.
On motion of Mr Pierce, the House took a recess till 4. O'clock P. M.

4. O'clock P. M.

House reassembled,
Speaker in the chair,
Roll called, All present- except-
Baldwin, Hunt, Looney. McCarty.
Shearer, and Buthill,

Speaker announced the standing committees of the House as follows,

Judiciary-
Anderson, Pierce, Sidebotham,
Privileges and Elections-
Looney, Waldrip, Paddock,
Corporations-
Shearer, Moore, Buthill,
Counties and County Boundaries-
Cleary, Shoup, J. W. White,
Education-
Waldrip, Pierce, Campbell,
Ways and Means-
McCarty, Shoup, Baldwin,
Mining Affairs-
J. W. White, Buthill, Pool,
Federal Relations-
Pool, Clemens, Nelson,
Roads, Bridges and Ferries-
Steward, Groat, Looney,
Engrossed Bills- Baldwin Buthill, Hunt.
Enrolled Bills- Pierce, Sidebotham, Campbell,
Territorial Affairs-
Robbins, Shoup, Anderson,
Mileage-
Nelson, Hunt, Shearer;
Military and Indian Affairs.
Shoup, Crane, Groat,
Printing- Clemens, Moore, & R. White.

Agriculture-
R. White, Paddock, Moore,

Mails and Mail Facilities.
Bare, Stevens, Waldsip.
Railroads and Telegraphs.
Hurst, Robbins, Anderson.

On motion of Mr Pierce fifty copies of the rules of the House, and fifty copies of standing committees, were ordered printed for the use of the House.

Mr Anderson introduced the following resolution.

Resolved, that Moses, Thatcher Gen. Superintendent of the Utah Northern Railroad, be invited to address the Legislature, and the citizens generally upon the subject of Railroad communication in Idaho Territory, and that for such purpose he is hereby tendered the use of this Hall, this evening, and that a committee of two be appointed to wait on Mr. Thatcher, and inform him of the action of this House.

The resolution was adopted, and Messrs. Anderson, and Culp, appointed as such committee.

The following protest was submitted by Mr Sidebotham, and ordered read by the Clerk.

To the Honorable House of Representatives, of Idaho Territory in Legislature, assembled.

Gentlemen:

I hereby notify your Hon. body that I contest the right to the Seat in your body now occupied by George A. Shearer Esq. a representative from Idaho County.

The grounds of the contest are as follows: Viz:

– That the returns from Slate Creek Precinct Idaho County, W. T., were improperly and illegally thrown out and not counted by the board of canvassers of Idaho.
That if the vote of said Slate Creek Precinct had been counted, it would have given me a majority of three for the office of representative for said Idaho County.
I respectfully ask that your Honorable Body would investigate the matter and award the said seat to the person legally and justly entiled thereto
Respectfully Submitted.
W. H. Rett.

On motion of Mr Robbins refered to committee on elections.

H. C. R. No. 1. By Mr. McCarty, for the appointment of a committee from each House to revise the revenue laws of the Territory,
Resolution read, and passed,

Message from Council.

Council Chamber:
Boise City, I. T. Dec 9th 1874

Mr. Speaker:–

I am instructed to inform your Honorable Body, that the Council have passed, H. C. R. No. 1. to authorize the printing of the Governors Messode and other documents,
Also, the Council has appointed Mr. Hawley on the part of the Council to act with a like committee on the part of the House, on joint printing.

all of which is herewith transmitted.

E B. Carr
Chief Clk Coun.

On motion of Mr Pierce, C. C. Ro. No. 1 was taken up and read.
On Motion of Mr Baldwin the Resolution was laid on the table.
On Motion of Mr Pierce the House adjourned.

E. A. Stevens
Speaker House of Representatives

Attest
L. D. Calahan
Chief Clerk

Fourth Day.

House of Representatives

Boise City I. T. Dec 16th 1874

House met pursuant to adjournment, Speaker in the chair
Roll called. All present, except Messrs. Campbell and McCarty.
Journal of yesterday read and approved.

Notice of Bills.

I hereby give notice that I will at an early day introduce a Bill to prevent Stallions and Jack Asses from running at large. Also a Bill concerning the herding of sheep

Mr Speaker:- I hereby give notice that, at an early day, I will introduce a Bill to abolish the office of Territorial and County School Superintendents and revise the common school Law.

C R. White.

Mr Stevenson gave notice that he would on tomorrow introduce a Bill, to provide for the registration of the names of electors, and to prevent frauds at elections

Mr Speaker:- I hereby give notice, that, on tommorrow, or at some future day I will introduce a general school law.

O S. Anderson.

Report of Committees.

Mr Clemens, chairman of the committee on printing, reported verbally that he had interviewed the Secretary of the Territory, and had been informed by that officer, that the government of the United States would only pay for the printing of two hundred and fifty copies each, of the Governors Message and accompanying reports.

On motion of Mr Baldwin, C. C. R. No. 1. was taken from the table, and read, On motion of Mr. Pierce, the resolution was amended by striking out the words "one thousand," and inserting the words, two hundred and fifty.

...

Messag from the Council.

Mr Speaker:- I am instructed to inform your honorable body that

the Council have had under consid-
eration: and passed, C. C. R. No. 2. pro-
viding for a supply of News-Papers for
use of the two Houses.

E. T. Carr
Chief Clk Coun.

On motion of Mr. Pierce, C. C. R. No. 2,
was taken up and read.
Moved by Mr Pierce, that the word "two"
be stricken out, and the word "one,"
inserted, so as to read, one copy of
Esi Weekly Statesman, and one
copy of the Daily Avalanche.
Carried.
On motion of Mr. Looney, the words "and,
one copy of the Idaho World, were added
to the amendment.
At, 10.30. A. M. on motion of Mr Pierce
the House adjourned till 2. P. M.

Afternoon Session.

House met pursuant to adjournment,
Speaker in the chair,
Roll called. All present, except, Messrs.
Pierce and Hunt.
On motion of Mr. Looney, the House ad-
journed, at 2. 5. P. M. till 4. P. M. for
the purpose of allowing the Carpenter
to construct a window in the Hall of
the House of Representatives.

House met pursuant to adjournment,
Speaker in the chair.
Roll called. All present.

Report of Committees

The committee on joint rules for both
Houses, submitted the following report,

Mr. Speaker: Your committee on joint

Rules of Order, have given the same due consideration, and respectfully submit the following report:

We recomend, that the joint rules of the last session, be amended as follows:

First: Strike out the word "secretary" where it occurs in the first line of rule three; the words "secretary or," where they occur in the second line of rule four; the words "secretary or" where they occur in the fourth line of rule eighth; and by inserting the words "of the House or Council" in the place of the words "as the case may be," in the fifth line of rule eight.

And, that, when so amended, they be adopted as the joint rules for this Session.

Respectfully Submitted.

John McNally.
on behalf of Council.

Fred, Campbell.
on behalf of the House.

On motion of Mr. Baldwin the report was adopted, and the committee discharged.

The rules as amended, were adopted as the joint rules of both Houses.

Mr. Love offered the following resolution:

Resolved that this House invite the Rev. E. B. Foster, to act as Chaplain.

On motion of Mr. Anderson the Resolution, was indefinitely postponed.

Mr. Speaker:- I give notice that I will on tommorrow, offer an amendment to the standing rules of this House

Pierce.

At 4.20 P.M. on motion of Mr. Anderson. the House adjourned.

E. A. Stevenson
Speaker House of Representatives

Attest
L. D. Cahalan
Chief Clerk

Fifth Day.

House of Representatives
Boise City I. T. Dec 11th 1874

House met pursuant to adjournment
Speaker in the chair.
Roll called. All present.- except Messrs Campbell and Nelson.
On motion of Mr. Cleary, Mr Nelson was excused on account of sickness.

Message From The Council.

Council Chamber.
Boise City. Dec 10th 1874

Mr Speaker:- I am instructed to inform your honorable body that the council have had under consideration, and passed, H.B. No. 3. granting leave of absence to John, Clark, Prosecuting attorney of the first Judicial district, Territory of Idaho. which is herewith transmitted. and ask the concurrence of the House therein. Also to provide; Journal blanks for the

Council and House of Representatives, Ass, C. C. R. No. 5. relating to appointing a committee to examine the revision, compilation, and codification of laws prepared by Hon E. J. Curtis. Resolution adopted and refered to a committee composed of Messrs. Foote, Pickett, and Martin. all of which is herewith transmitted.

E. J. Curr.
Chief Clk. Council.

Council Chamber.
Boise City Dec. 10th 1874.

Mr. Speaker.—I am instructed to inform your honorable body that the Council have had under consideration. H. C. R. No. 1. and have adopted the same and that Messrs — Cannady and Brown have been appointed to act with a like committee from the House. all of which is herewith transmitted

E. J. Curr
Chief Clk Council.

Council Chamber, Boise City, I. T. Dec 11th 1874.

Mr. Speaker: I am instructed, to—inform your honorable body the Council have had under consideration House Amendment, to C. C. R. No. 1. and have concured in the amendment increasing the number of copies of Reports ordered printed. but refuse to concur in the amendment changing the number of copies of the Governors Message. Also, have had under consideration, House amendment to C. C. R. No. 2. and refuse to concur in the same, and ask the House to recede from their action. All of which, is herewith transmitted

E. J. Curr
Chief Clk Council.

Journal of yesterday read and approved.

Notice of Bills.

Mr. Speaker:- I hereby give notice that I will at an early day introduce a bill to reapportion the members of the Council and House of Representatives of this Territory.

McCarty.

Mr. Speaker, I hereby give notice that I will at an early day introduce a Bill, abolishing the office of Assessor and Collector, and fixing the duties and fees of the Sheriff of Ada county.

Podduck.

Mr. Speaker: I give notice that at an early day I will introduce a bill to fund the debt of Boise county.

Steward

Mr Speaker: I hereby give notice that I will at an early day introduce a Bill, defining the jurisdiction and Practice of the Probate Courts of this Territory in civil and criminal cases.

Cave.

Reports of Committees.

Mr. Blount, chairman of committee on on mileage, submitted the report of that committee.

The report was read.

On motion of Mr. McCarty. his mileage was stricken off the report.

On motion of Mr. Sidebotham. the report was amended, so as to read "Sidebotham. 2.60 miles." instead of "Sidebotham 2.40 miles."

On motion of Mr. Pierce the report of the committee on mileage, was referred back to the committee, for amendments.

The following Resolution, by Mr. Pierce, was adopted:-

Be it resolved by the House of Representatives, that the fourteenth standing rule of the House be, and the same is hereby amended by creating a committee on Mails and mail facilities, which shall be the seventeenth in order.

C. C. R. No. 1. was taken from the file and read; together with the amendments to the same.

The question before the House being, will the House recede from its amendment to C. C. R. No. 1. The House refused to recede.

The question then being will the House insist upon its amendment to C. C. R. No. 1. The House insisted upon its amendment.

C. C. R. No. 2. taken from the file and read, together with the amendments thereto.

The question before the House being will the House, recede from its amendment to C. C. R. No. 2,

The House refused to recede.

C. C. R. No 3. read first, and second times, and refered to Judiciary committee.

C. C. R. No. 4. Read first and second time, and refered to committee, on, ways and means.

C. C. R. No. 5. Read first time, and—

On motion of Mr Anderson was adopted, The Speaker appointed Messrs. Anderson, Pierce, and Sidebotham, a committee, to act, with a like committee from the council, to report on the practicality, of the Legislature, taking action on the code of laws, prepared by Hon. E. J. Curtis

The Speaker: appointed Messrs McCarty, Campbell, and Shoup, a committee to act with a like committee from the Council on the revision of the Revenue law of the Territory.

Introduction of Bills.

H. B. No 1. In relation to public Schools, introduced by Mr. Anderson, was Read, first and second times and refered to committee on education.

Message From the Council, (1874
Council Chamber Dec 11th

Mr. Speaker: I am instructed, to inform your honorable body that the Council, request the return of, C. C. R. No 4. Providing for journal clerks.

E. J. Garr
C'hf Clk Council.

Moved by Mr Feeney, that one hundred copies of H. B. No 1. be printed. Motion lost.

Message From The Council.
Council Chamber.
Dec 11th 1874

Mr. Speaker: I am instructed to inform your honorable body, that the Council have had under consideration; and have adopted, C. C. R. No 7. relating to an increase of Mail service, between Lewiston and, Elk City, T. T. A copy of Resolution herewith transmitted.

E. J. Garr.
C'hf Clk Council.

C. C. R. No 7. read first and second times, and, on Motion of Mr. Feeney. refered to committe on Mails, and Mail Facilities.

On motion of Mr. Cleary, the House, at 11.35. A. M. took a recess till 2. P. M.

House Reassembled at 2. O'clock P. M.
Speaker in the chair.
Roll called. All present.
Report of Committee of Ways and Means.
Mr Speaker: Your Committee on Ways and Means to whom was referred H. B. No. 4. beg leave to report the same back to the House, and Recommend it be returned to the Council.

McCurdy. Chairman.

On motion of Mr. Pierce the report was adopted.

Report of Committee on Mileage.

Mr. Speaker: Your committee on mileage, beg leave to submit the following report, stating the number of miles for which each member of the House is entitled to draw from Counties.

Counties.	Members.	Miles.
Ada County.	McCurdy.	Home.
	Paddock.	82
	Pierce	10
	Robbins	4
Alturas County.	Anderson	240
	Sidebotham	200
Boise County.	Baldwin	80
	Steward	96
	Comfield	110
	Cook	80
	Feeney	80
	Stevenson	120
	White. D R.	80
	White. J W.	80
Owyhee County.	Smith	140
	Hunt	140
	Post	140
	Moore.	140
Shoshone County	Nelson	1100
Idaho County.	Cleary	1120
	Shuler	1140

Boundries.	Members.	Miles.
Oneida. County.	Clemens.	1220
Nez Perce County	Groat	920
	Waldrip	920
Kootenai County	Shoup	2108
	Bothill	2148.

Respectfully Submitted.

H. M. Hunt
L. M. Shearer.

On motion of Mr. Culp report of committee adopted.

The following Resolution by Mr. Steward was on motion of Mr. Comey, adopted.

Resolved that the Sargeant-at-Arms be directed to wait upon the Secretary of the Territory, and obtain at least three dollars worth of Postage Stamps for each member of this House.

The following report was received from the Judiciary Committee.

Mr. Speaker: your Judiciary committee, to whom was referred H. B. No 3. granting Jo Lee, Clark, leave of absence, hereby report that they have considered the same, and recommend its passage.

R S Anderson, Chairman.

On motion of Mr. Pierce, the rules were suspended, the Bill read third time.

The question being, Shall the Bill pass? The ayes and nays were called,

Ayes: Messrs. Anderson, Baldwin, Campbell, Crane, Cleary, Clemens, Culp, Groat, Hunt, Comey, McCarty, Moore, Pierce, Post, Robbins, Shearer, Shoup, Sidebotham, Steward, Bothill, Waldrip, White, W. R. White, J. W. – 23.

Nays: Mr. Paddock, and Mr. Speaker, 2

Absent: Nelson.

Mr. Stevenson introduced H. B. No 2. An act to provide for the registration of the names of electors, and to prevent fraud.

at elections. Read. first, and second times. and refered to committee on Elections.

Message From the Council.

Council Chamber.
Dec 11th 1874.

Mr. Speaker; I am instructed to inform your honorable body that the Council have, refused to concur in House amendment to C. C. R. No. 1. relating to printing of Governors Message &c. and, have Appointed a committee of conference composed of Messrs. Foote and Prickett, and Brown, to confer with a like committee from the House. Also, That House amendment to C. C. R. No 2. relating to the secretary furnishing copies of Idaho papers, to members. was unanimously adopted by the Council.

E F. Cass
Chief Clk Council.

On motion of Mr. Cave, a committee of three composed of Messrs. Cave, Pierce, and C. R. White was Appointed, a committee of conference, to confer with Council committee, in regard to, House amendment to, C. C. R. No 1.

At, 3. o. Oclock. P. M. on motion of Mr. Steward, the House adjourned.

E A Stevens
Speaker House of Represantatives

Attest
T. D. Corbaley
Chief Clerk

Sixth Day.

House of Representatives
Boise City, I. T. Dec 12th 1874.

House met pursuant to adjournment.
Speaker in the chair.
Roll called all present.

Notice of Bills.

Mr. Speaker:- I hereby give notice that on some future day, I will introduce an act for securing liens to Mechanicks and others. Anderson.

Mr. Speaker. I hereby give notice that on some future day I will introduce a memorial or Resolution protesting against the passage of the Bill pending in the Congress of the United States for the removal of the United States Assay Office in Boise City.
Anderson.

Mr. Speaker. I hereby give notice that I will, at an early day, introduce an act to amend an act relating to county officies. Baldwin.

The following report was received from the committee on Mails and Mail Facilities.

Hon. Speaker: your committee on Mails and Mail Facilities to whom was referred H. B. No 7. have had the same under consideration and beg leave to report the same back, and recommend its passage. Shaver. Chairman.

H. B. No 7. was then taken up and read 3rd time.

The question being. Shall the Resolution pass?

The ayes and nays were taken as follows.

Ayes:- Anderson. Baldwin. Campbell. Crane. Cleary. Culver. Greene. Hewitt. Looney. McCourt. Moore. ~~Nelson.~~ Paddock. Pierce. Pool Robbins. Shearer. Shaw. Sidebotham. Steward. Tuthill. Waldron. White. C. R. White. J. W. and Mr. Speaker. 25.

Nays: None.

Absent. Nelson.

So the Resolution. Passed.

Moved by Mr. Looney that 100 additional copies of Standing committees be ordered. printed.

Motion lost.

Hon. Stevenson presented a letter from Hon. W. C. Whilson, Editor of the Northener. News-paper, addressed to the Speaker of the House, which was read by the Clerk.

On motion of Hon. Pierce, a vote of thanks was unanimously tendered to the Hon. W. C. Whilson, for copies of Northener furnished this House gratuitously.

Hon. Cleary called for report of committee on Privileges and Elections in the Shearer-Rohelt, contested election case.

Hon. Looney, chairman of committee, on Privileges and elections, Stated that the committee were unable to report at present. there not being sufficient evidence to enable the committee to report.

At 10.35 A.M. on Motion of Hon. Paddock. the House adjourned till 2. P.M.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. All present.

By permission, Mr Pierce, introduced.

H. B. No 3. A Bill to provide for taxing shares in the first national and other banks in Idaho Territory.
The Bill was read first and second time and on motion of Mr Looney was refered to the judiciary committee.
Report of committee on elections.
Mr. Speaker: your committee to whom was refered H. B. No 2. have had the same under consideration and beg leave to report back the same and recommend its passage. All of which is respectfully submitted.
M. G. Looney
Chairman.
On motion of Mr. Leahy H. B. No. 2. was ordered printed.
Mr. Looney moved that not less than one Hundred copies of any Bill, ordered printed, be printed.
Motion withdrawn.
On motion of Mr. Pierce. House ordered, that not more than fifty copies of any Bill be printed.
Message From the Council.

Council Chamber.
Dec. 10th 1874.

Mr. Speaker. I am instructed to inform your honorable body that the joint conference committee of the Council and House of Representatives, upon H. B. No. 1. concerning the printing of Governors Message, have conferred and recommend that six hundred copies of the Gov. Message, and two hundred and fifty copies of Controller, Treasurer, and Superintendent of Public Instructions Reports be printed, all of which is respectfully transmitted
E. J. Cram
Clerk. Council.

Council Chamber.
Dec 19th 1874.

Mr Speaker: I am instructed to inform your Honorable body that the Council have had under Consideration H.C.R. No. 6. relating to P.D. and S.L.R.R. and have unanimously passed the same. All of which is herewith transmitted.

E.J. Corr
Clk Coun.

Mr C.R. White introduced H.C.R. No. 2. relating to increase of Mail Service between Placerville in Boise county, and Oaks Store in Payette Valley, Ada county, I.T.

The Resolution was read, first and second time and referred to committee on Mails and Mail Facilities.

Messages from the council read,

C.C.R. No. 1. relating to printing Governors Message, read,

On Motion of Mr Anderson, the House took a recess for half an hour,

At 3. P.M. the House reassembled.

Speaker in the Chair

Roll called. All present except Mr Shoup

Report of conference committee on C.C.R. No 1, with House amendments to the same, read,

Mr President: Your joint conference committee of the Council and House on C.C.R. No 1, concerning the printing of Governors Message, &c, have met, and recommend, that Six hundred copies of Gov. Message, and two hundred and fifty copies each of the Territorial Constitution, Treasurers and Auditor instruction reports be printed!

Hunt
on part of Council
Corr
on part of House,

Read in Council Dec. 12th 1874. and unanimously adopted.
On motion of Mr. Anderson the report was adopted.
On motion of Mr. Pierce the resolution as amended by the committee was passed.

Notice of Bills.

Mr Speaker. I hereby give notice that on monday I will introduce an act or resolution to create the office of Journal Clerk, and provide for his compensation.

Message from the Council read.
C. to C. R. No 6. relating to P. D. and S. L. R. R. read first and second time.
On motion of Mr. Anderson the rules were suspended, and the resolution read a third time.
The question being shall the Resolution pass?
The ayes and nays were taken with the following result.
Ayes: Messrs. Anderson, Balduin, Campbell, Cane, Cleary, Clemens, Cull, Good, Foard, Gurney, Hanly, Hare, Nelson, Paddock, Pierce, Poe, Rollins, Shannon, Shaw, Sidebotham, Steward, Tuttle, Waldron, White, H. R. White, J. W. and Mr. Speaker, 26.
Nays: None.
So the Resolution passed.
By permission of the House, Mr. Cane, introduced House, Memorial No 1 relating to Mail service, from Placerville P. T. to Upper Payette Valley, I. T. read first and second time and on Motion of Mr. Gurney, referred to committee on Mails and Mail Facilities.

H. C. R. No 3. by Mr. Anderson in relation to printing fifty copies of joint rules.

read and passed.

At 3,20. P.M. on motion of Mr. Pierce House adjourned until 10 Oclock A.M. Monday.

E A Stevenson
Speaker House of Representatives

Attest
D D Coghlan
Chief Clerk

Eighth Day.

House of Representatives
(1874)
Boise City I.T. Dec. 14th

House met pursuant to adjournment
Speaker in the chair.
Roll called. All present.
Journal of yesterday read and approved.

Notice of Bills.

Mr Speaker: I hereby give notice that I will, at early day introduce a bill to amend the law creating a board of county commissioners for the counties of Idaho Territory. McCarty.

Mr. Speaker: I hereby give notice that on some future day I will introduce an act to prevent the destruction of forests in this Territory. Also an act to aid in the construction of lines of telegraph in this Territory.

Anderson.

Mr. Speaker: I hereby give notice that at an early day, I will introduce a bill for the purpose of amending an act entitled an act, Supplementary to an act to provide a uniform System of Territorial and county revenue, and for the assessing and collecting the same, approved Jan. 16th 1873. The amendment consists in changing the time of the commencement in said act, of the assessment of property in Alturas county. and the time when Property shall be declared delinquent in said county.

Sidebotham.

Mr. Speaker: I will, at an early day, introduce an act, to create a Board of county commissioners for each county in this Territory, and defining their duties

Shoup.

Mr. Speaker: I hereby give notice that I will, at an early day introduce a concurrent Resolution asking for an appropriation by Congress for the improvement of Snake river from its mouth to Lewiston, I. T.

Waldrip.

Report of Committees.

Mr. Speaker: Your committee to whom was referred the matter of the contested seat of, G. M. Shearer. beg leave to report that they have had the matter under consideration, and can find no evidence on which to base a report. and respectfully refer the same back to the House.

M. G. Lowney

Chairman.

Mr. Speaker: Your committee to whom was referred H. B. No 1 have had the same under consideration and beg leave to report the same back, and recommend its passage Leave.

Chairman.

Mr. Speaker. Your committee on Mails and Mail Facilities. to whom was refered. H. C. R. No 2. have had the same under consideration. and report the same back and recommend its passage.

Cave
Chairman.

Introduction and First Reading of Bills.

Mr. Hount introduced H. C. R. No 4. in relation to journal Clerks. Read first and second time. Moved by Mr Lowney that the rules be suspended. Resolution considered engrossed and placed upon its passage. Carried. The resolution was then read third time. The question being. Shall the Resolution pass? The ayes and nays were taken with the following result.

Ayes. Messrs. Anderson. Baldwin, Campbell Cleary. Colemeres Culp. Grant. Hunt. Lowney. Moore. Nelson. Paddock. Pierce. Robbins. Shepard. Sidelothan. Steward. Stillhill. Waldrip "White 6 Rs. "White. J W. and Mr. Speaker. 22.

Nays. Cave. McCarty. Prof. Shoup. 4

So the Resolution passed.

Mr Pierce offered the following Resolution.

Resolved. That the protest of Mr W. H. Rozell, presented to this House yesterday the seat of George McClennan. and which was referred to the committee on elections. and has been reported back. Be recommitted to said Committee on elections. with instructions to take all necessary evidence in the matter. and report the same to this

House. and for said purpose. the said committee is empowered to issue, Sub-poenas, and compell the attendance of witnesses with power to send for papers &c.

Mr. Anderson. moved. to adopt the Resolution. House. refused to adopt the Resolution.
Mr. McCarty introduced H. B. No 4. an act to reapportion the members of the Legislative Assembly of Idaho Territory.
Read first and second time.
Moved by Mr. Pierce. to refer to Committee of the whole tomorrow at two O'clock P.M.
Motion lost.
On motion of Mr. Anderson the Bill was referred to Committee on Counties and County Boundaries.
H. B. R No 2. in relation to Mail service, on mail route between Placerville Boise Co and Eagle Store in Payette Valley A.T. 6th was read third time.
On the question. Shall the Resolution pass?
The ayes and nays were called.
Ayes: Messrs. Anderson, Baldwin, Campbell, Case, Gray, Edmonds, Bullen, Grant, Hamil. Tolmy. McCarty, Moore, Nelson, Pinkham, Pierce, Post, Robbins, Shearer, Smith, Sidebottom, Steward, Stivers, Waddell, White, O R, White J. W. and Mr. Speaker. 26. Nays. none.
So the Resolution passed.

House Memorial No 1. for the establishment of a mail route from Placerville, to Payette Valley, Boise Co. T. T. read first and second time.
On Motion of Mr. Anderson, rules were suspended, Memorial considered engrossed and read third time.
On the question shall the memorial pass? The ayes and nays were called.

Ayes: Messrs. Anderson, Baldwin, Campbell Cave, Coleny, Clemons, Crisp, Great-House Feeney, McBride, Moore, Nelson, Paddock Pierce, Pool, Robbins, Shearer, Shoup, Sidebotham, Steward, Tuthill, Waldrip, White, & R. White & J. W. and Mr. Speaker, 26

Nays, None,

So the memorial passed,

On motion of Mr. Sidebotham, contested election case of Shearer versus Rohett, was made special order for tomorrow at 11 o'clock A. M.

At 11 o'clock A. M. on motion of Mr. Pierce House adjourned till 2. P. M.

Afternoon Session.

House met pursuant to adjournment, Speaker in the chair

Roll called. All present except Cave, Clemens, Great, White & W.

By leave of the House Mr. Pierce introduced, H. B. No. 5, an act restraining the herding of sheep, in Idaho Territory. Read first and second time and referred to committee on agriculture.

By leave of the House Mr. Anderson introduced, H. M. No. 2, asking the President of the United States to grant Governor Bennett authority to call an extra session of the legislature of Idaho Territory

Read first and second time.

On motion of Mr Anderson the rules were suspended, Memorial considered engrossed, read third time, and placed upon its passage.

Memorial read third time.

The question being shall the Memorial pass?
The Ayes and Nays were called.
Ayes. Messrs. Anderson, Baldwin, Campbell, Carver, Cleary, Clemons, Culp, Deal, Downey, McCarty, Moore, Nelson, Paddock, Post, Shearer, Stroup, Sidebotham, Steward, Suthill, Waldeip, White J. W. and Mr. Speaker, 22.
Nays. Messrs. Pierce, Robbins, and White C. R. 3.
Absent. Mr. Hunt.
So the Memorial passed.

Message from the Council

Council Chamber.
Dec. 14th 1874.

Mr. Speaker.

I am instructed to inform your Honorable body, that the council have concured in H. C. R. No 3. relating to the printing of fifty copies of the joint rules and have unanimously adopted the same, which is herewith transmitted

E. T. Carr,
Chf Clk Council.

At 2.25 O'clock P.M. on motion of Mr. Anderson. House adjourned.

E. A. Stevens
Speaker House of Representatives

Attest
T. D. Cahalan
Chief Clerk

Ninth Day.

House of Representatives.
Boise City I. T. Dec 15th 1874

House met pursuant to adjournment.
Speaker in the chair.
Roll called. All present.
Journal of yesterday read and approved.
Mr Sheeden introduced the following petition which was read.

To the Honorable House of Representative of Idaho Territory.

The undersigned would respectfully represent to your Honorable body that he was duly elected a member of your body by the qualified voters of Idaho County and a certificate of election was duly issued by the auditor of said county upon the result of said election as officially declared by the board of county commissioners. Armed with such certificate he proceeded to the Capital of this Territory, and was admitted to a seat in your honorable body; that no notice ~~and protest~~ was given him before leaving Idaho County that any person claimed the seat. That certified by your petitioner.

That at Boise City on the 8th day of Dec. 1874, one W. H. Babcock served a notice upon your petitioner claiming said seat so occupied, assigning as a ground therefor that the returns of Slate Creek precinct which were not counted by the canvassers on the ground of gross irregularities, should have been counted.

Your petitioner respectfully ask

respects that owing to the great distance between Boise City and Washington, the County seat of Idaho ~~of Idaho~~ County, and the recent service of notice of contest, he has been unable to obtain evidence to sustain him in his right to the seat which he now occupies.

Should your honorable body grant your petitioner sufficient time to obtain necessary evidence; he expects to prove conclusively,

1st That the Slate Creek precinct returns were legally rejected

2d, that at White Bird precinct eight illegal votes were cast for said W. H. Rhett, Geo. M. Shearer.

Notice of Bills.

Mr Speaker: I hereby give notice that on some future day I will introduce an act concerning Grand and Petit Jurors Anderson.

Mr. Speaker: I hereby give notice that on some future day I will introduce a bill relating to inclosures in certain counties in this Territory Paddock.

Reports of Standing Committees

Mr. Ackerman, chairman of committee on printing reported verbally that the Rules of the House had been printed and were ready for use of members.

The following report was received from the committee on agriculture.

Mr Speaker: Your committee to whom was referred H. B. No. 5. C. & I. Restraining the herding of sheep in the Territory of

of Idaho; have had the same under consideration and beg leave to report the same back to the House, with the following amendments. That the words "Six Miles" in the sixth line of sec 1st be stricken out and the words "two miles" inserted, And respectfully recommend its passage as amended.

C R. White
Chairman.

Introduction and First reading of Bills.

Mr. Pierce introduced H. B. No 6 an act relating to Stallions and Jack-Asses, read first and second time, and referd to committee on Agriculture.

Mr. Baldwin introduced H. B. No 7 an act to amend an act relating to county offices. Read first and second time and refered to committee on education.

General File.

H. B. No 5. an act relating to herding of sheep in Idaho Territory, was taken up and read third time, together with the amendment recommended by the committee on Agriculture, the question being on the adoption of the amendment.

The amendment was adopted. Bill ordered engrossed. Bill read third time by title Ayes 10. 45. A. M. on motion of Mr. Pierce, House took a recess till 11 Oclock A. M.

House reassembled at 11. A. M.

Speaker in the chair.

On motion of Mr Feeney, House went into committee of the Whole with Speaker Babbett contested election case.

Hon. Looney of Boise county in the chair.
Committee arose at 11.30 Oclock. A. M. Reported progress. and asked leave to sit again.

House called to order
Speaker in the chair.

On motion of Hon Anderson the committee was granted leave to sit again
Moved by Hon Looney House resolve itself into committee of the whole at 3 Oclock P. M. to consider the Shearer-Rhett contested election case.
Carried.
At 12. Oclock Noon. House took a recess until 3 Oclock P. M.

Afternoon Session

House met pursuant to adjournment
Speaker in the chair
Roll called All present

Message from the Council

Council Chamber
Dec 15th 1871

Hon Speaker: I am instructed to inform your Honorable body that the council have passed C. B. No. 8 an act granting leave of absence. Wm Kelly. Recorder and Auditor of Alturas county. which is herewith transmitted.

E. S. Carr
Clerk Council

By permission, Hon. Anderson introduced bill entitled An Act to amend an act entitled an act granting time to procure evidence necessary to decide civil rights, in the Shearer-Rhett contested election case.
Referred to committee of the Whole.
Moved by Hon Anderson that the committee be discharged from further consideration of said bill

Division of House called for by Hon. Robbins
House refused to grant- the committee said
proceed.
At 3 Oclock P. M. House went into com-
mittee of the whole in the Shearer-Rhett
case.
Hon. Lunney in the chair
Committee arose at 5 35 Oclock P. M. reported
progress and asked leave to sit again.
House called to order
On motion of Hon. Pierce. the committee
was granted leave to sit again at 10½
Oclock A. M.
On motion of Hon. Snare House adjourned
at 5.40 Oclock P. M.

Attest. T. D Calahan
Chief Clerk

E. A. Stevenson
Speaker House of Representatives

Tenth Day.

House of Representatives
Boise City. I. T.
Dec. 16th. 1874.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called - All present except Hon.
Shearer.

Presentation of Petitions.

By permission, Mr McCarty introduced
H. Rv. No 3. Against the Division of Idaho
Territory.
Read first and second times -

On Motion of Mr Lunney, referred to
Committee on federal Relations.

Notice of Bills.

Mr Speaker,

I give notice that, at an early day I will introduce a bill for an act relating to Collection of Taxes in Owyhee County.

Hunt-

Mr Speaker

I hereby give notice that I will at an early day introduce a bill to provide for a Jailor in the County of Owyhee.

Moore.

Mr Speaker,

I give notice that I will on tomorrow introduce a Bill, entitled an act to prevent any person from willfully injuring or destroying the property of another.

Carr,

Report of Standing Committees.

Committee on Counties and County Boundaries made the following

Report.

Mr Speaker,

Your Committe on Counties and County Boundaries to whom was referred H. B. No 4 relating to the reapportionment of the Members of Idaho Territory, have had the same under Consideration and Respectfully recommend that all that part of Sec. 1. relating to the County of Shoshone and Shoshone and Nez Perce Counties Striking out and the following Amendment inserted instead:

The County of Shoshone shall hereafter be entitled to one (1) Member of the Council and one Member of the House of Representatives.

Respectfully recommend its passage

with the amendment.

Cleary, Chairman.

Committee on Engrossed Bills made the following Report:

Mr Speaker,

Your Committee on Engrossed Bills have examined and found Correctly engrossed, House Bills No. 5.

Baldwin
Chairman

Committee on Agriculture made the following Report:

Mr Speaker,

Your Committee to whom was referred H. B. No 6. beg leave to report the same back to the House, and respectfully recommend that it be indefinitely postponed.

L. R. White
Chairman

Motions and Resolutions.

Mr Anderson offered the following Resolution

Resolved,

That in the Contested election Case for a seat in this House between Geo. W. Shearer and W. N. Rhett, the further Consideration of the said Case is hereby postponed for the period of 25 days to enable the said G. W. Shearer to procure evidence, and that at the end of said time the said Case be determined.

Moved by Mr Anderson, Resolution be adopted -

Mr Anderson called for the Ayes and Nays.

Messrs

Ayes. Anderson. Clemons. Culp. Hunt. Lunny. Pierce. Stevens. Waldrip. White C. R. White J. M. Mr Speaker - 11.

Messrs.

Nays - Baldwin. Campbell. Cave. Cleary. Groat. McCarty. Moon. Nelson. Paddock. Pool. Robbins. Schoup. Sidebotham. Guthrie - 14.

Mr.

Shearer - not voting -

House refused to adopt the Resolution -

On Motion of Mr Robbins. House went into Committee of the Whole, at 11.5 A.M. to Consider the Shearer - Rhett Case.

Mr Lunny in the Chair.

Committee arose at 12.30 P.M. reported progress,

House Called to order.

The Committee of the Whole on the Shearer Rhett Case granted leave to sit again -

On Motion of Mr Lunny. House adjourned at 12.30 P.M. till 4 P.M.

Afternoon Session.

House met pursuant to adjournment, Speaker in the Chair.
Roll Called, All present, except Mr Lunny.
On Motion of Mr Anderson, a Call of the House was ordered, All present except Mr Lunny -

Message from the Council.

Council Chamber
Boise City, Dec 16th, 1874

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under Consideration and passed H. C. R. No 4. relating to the Appointment of a Journal Clerk, Also, the Council have had under Consideration H. Bill No 2. and on the 3d reading, the Council refused to Concur,

All of which is herewith transmitted -

E. J. Carr
Chief Clerk of Council,

Moved by Mr Sidebotham, that further proceedings under Call of the House be dispensed with -

Motion lost.

The Sergeant-at-Arms having returned accompanied by Mr Lemmy

Mr. Anderson moved a further Call of the House be dispensed with

Motion Carried.

Mr Cleary offered the following Resolution which he trusted would pass the House unanimously; He desired to extend the rights-hand of fellowship to his present Colleague. Hon Geo. M. Shearer and hoped, the House by the passage of the resolution unanimously, would exhibit the same Cordial feelings.

Whereas,

Hon. George Shearer, the present Sitting Member of this House from Idaho County duly appeared as a Member Elect of this body at its organization, with his Certificate of Election issued in due form, by the Clerk of the Board of County Commissioners of said Idaho County upon a Canvass of the Election

returns by the Hon. Board of County Commissioners of Said County.

And

Whereas Said Shearer was duly admitted to his Seat in this House as such Member and by the Committee on Milage, reported as entitled to the Milage and per diem as such Member.

Therefore, be it Resolved by this House, that Said Hon. George Shearer is duly and legally entitled to the Milage, and per diem as allowed by law, and that the Secretary of the Territory is hereby requested to pay to Hon George Shearer the same for the full time he has served as a Member of this honorable body -

Moved by Mr Lemmy, Resolution be adopted.

The Resolution was unanimously adopted -

On Motion of Mr Sidebotham, House went into Committee of the Whole at 4.30 P.M. on the matter of the Shearer - Rhett Contested Case, at 4, 35. P. M. Committee arose -

House Called to order.
Speaker in the Chair.

Report of the Whole received and read as follows:

Resolved, That this Committee do now rise and that they report to the House that the Committee have Considered the Contested election Case of William A. Rhett against George M. Shearer and recommend that Said William A. Rhett be declared elected and admitted to his Seat in this House as a Member from the County of Idaho and that the said George M. Shearer be declared not elected and not entitled to a Seat in this House of Representatives

W. G. Lemmy
Chairman Com.

Moved by Mr Sidebotham that the report of the Com. be adopted.

Mr Anderson called for the Yeas and Nays, the Yeas and Nays were taken as follows;

Ayes

Messrs Anderson, Baldwin, Campbell Cobbe, Cleary, Clemons, Culp, Goat, Hunt, McCarty, Moore, Nelson, Paddock Pool, Robbins, Schoup, Sidebotham Stothiee, Walrup — 19

Nays

Messrs Lamy, Pierce, Stewart White C. R. White J. W. and Mr Speaker. 6 —

Mr Shearer, not voting.

So the report of the Committee was adopted —

Mr Anderson gave Notice that on tomorrow he would move to reconsider the vote by which the report of the Committee was adopted —

C. B. No 8. an Act — granting William Kelly, Recorder and Auditor of Atascosa County leave of absence, taken up and read first and second times, and on Motion of Mr Anderson the Rules were suspended, the Bill read the third time, — The Question being, Shall the Bill pass? the Ayes and Nays were called as follows;

Ayes — Messrs Anderson, Baldwin, Campbell Cobbe, Cleary, Culp, Goat, Hunt, Lamy McCarty, Moore, Nelson, Paddock Pierce, Pool, Robbins, Shearer, Sidebotham, Stewart, Walrup White C. R. and White J. W. — 19

Nays — Messrs. Clemons, Schoup, Stothiee and Mr Speaker — 4.

So the Bill passed —

On Motion of Mr Mc Carty at 5. P. M. the House adjourned — E. A. Stevenson
Speaker House of Representatives

Attest. J. D. Cahalan
Chief Clerk

Eleventh Day.

House of Representatives.
Boise City, I. T. Dec. 17th, 1874.

House met pursuant to adjournment.
Speaker in the Chair.
Journal of Yesterday read and approved.

Notice of Bills.

Mr Speaker,

I Give Notice, that I will at an early day, introduce a Bill to amend an Act entitled "An Act to protect Game in the Ter. of Idaho" approved, January 10th, 1873.

H. Campbell.

Report of Standing Committees —

The Judiciary Committee made the following Report:

Mr Speaker,

Your Judiciary Committee to whom was referred H. B. No 3. to provide for the Assessing and taxing the Shares in National Banks, hereby report that they have Carefully Considered the same, and recommend the passage of the same without Amendment —

Anderson
Chairman.

Introduction and first reading of Bills,

Mr Cave introduced H. B. No 8. An Act to prevent any person from willfully destroying the property of another -

Read first and Second times and refered to the Judiciary Committee -

Unfinished business of the general Order,

House B. No 5 - relating to the herding of Sheep in D. T. taken up, read third time

The Yeas and Nays taken with the following result -

Yeas - Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemons, Culp, Groat, McCarty, Moon, Nelson Paddock, Pierce, Pool, Robbins, Shoup Sidlebotham, Steward, Guthrie, Wabaunsee White & R. [illegible] - 21

Nays - Messrs Hyatt, Laney, J. W. White And Mr Speaker - 4

So the Bill passed -

The Speaker Stated, that - if there was no amendment - to title the Bill would be read again by title - No objection So the Title of the Bill Stands -

H. B. No. 6. relating to Stallions and Jacks Asses was taken up and read together with the report of the Committee to whom it was refered, Recommending the indefinite post-ponement of the Bill -

Mr Pierce Moved to adopt the report of the Committee -

The Question being on the adoption of the report of the Committee, the report was adopted and the Bill indefinitely postponed -

House Bill No 4. relating to the reap-

portionment of the Members of the Legislative Assembly of Idaho Ter. was taken up and read, together with the report of the Committee and on Motion of Mr Pierce the report of the Committee was adopted -

On Motion of Mr Anderson the Bill was ordered printed -

H. B. No 3. A Bill to tax Shares in the First National and other Banks, taken from the file, and read by title, together with the report of the Committee to whom it had been referred, recommending its passage - Ordered engrossed -

Mr Anderson offered the following Resolution:

Resolved, That the use of this Hall be granted for the Telegraph Meeting, to be held this evening at 7 P. M.

Moved by Mr Anderson, to reconsider the vote by which the report of the Committee on the Shearer - Rhett Case was adopted, The Ayes and Nays being called for by Messrs Anderson, Steward and Looney -

The Ayes and Nays were taken with the following result:

Ayes - Messrs, Anderson, Culp, Hunt, Looney, Pierce, Steward, White, C. R. White J. W. - 8 -

Nays - Messrs Baldwin, Campbell, Case, Cleary, Clemons, Broadbent McCarty, Moon, Nelson, Paddock, Pool, Robbins, Shoup, Sickelbottom, Guthrie Walrip, and Mr Speaker - 17

So the House refused to reconsider -

The Speaker requested Mr Rhett to Come forward and be Sworn in as a Member

of this House. Mr Rhett appearing on the floor of the House was sworn in by the Speaker and took his Seat—

Moved by Mr Anderson, that the privileges of the floor of this House be extended to Hon Geo. W. Shearer —

Motion lost.

At 10.45 A.M. on Motion of C. R. White House adjourned till 2. P.M.

Afternoon Session.

House met pursuant to Adjournment, Speaker in the Chair.

Roll Called — All present.

Message from the Council.

Council Chamber
December 17th. 1874.

Mr Speaker.

I am instructed to inform your honorable body that the Council have had under Consideration and passed, H. R. No 1, for the establishment of a Mail Route between Placerville and Upper Payette Valley, which is herewith transmitted

E. J. Carr
Chief Clerk of Council

Mr Anderson of the joint Committee appointed to examine the Code of Laws prepared by E. J. Curtis, Made the following

Report;

Mr Speaker.

The joint Committee heretofore appointed to examine the Compilation revision and Codification of laws prepared by Hon E. J. Curtis' ve respectfully

Report;

That they have discharged the duties assigned them and find such work to be engrossed and enrolled, and that it consists of a Compilation of the laws of this Territory, Amended in many respects to conform to the New Code of California

Your Committee is of the opinion that with some slight Amendments or Changes to a few Chapters of the work it will Constitute a good System of laws upon the subjects treated of;

That we have Conferred with Hon. E. J. Curtis with reference to the Matter and he informs us that two Clerks have been employed by him about nine months each in performing the Clerical part of the work and we are of the opinion that such Statement is Correct — Mr Curtis offers to surrender this work to the Legislature and to make the necessary index and Marginal Notes to the whole of the laws of the Territory and to edit and Superintend the publication of the book to Contain the same for the sum of three thousand five hundred dollars to be paid by warrants on the General Fund of the Territory, which sum, Your Committee believe to be reasonable —

In view of the fact that it will be the means of getting the laws of this Territory into one Volume in a revised form and thus it would Cost about the sum asked to reprint such of the Session laws as are now out of print. Your Committee recommend that the work be purchased at the price above named and that the several bills Composing the same be at once introduced into one or both branches of the Legislature and referred to a Committee or Committees for such amendments as may be deemed necessary —

Foot —
On the part of the Council

Anderson
On the part of the House

Mr Pierce of Ada Co. in the Chair.

Moved by Mr Anderson that the report of the Joint Committee be adopted —
On motion of Mr Stevenson the motion to adopt the report of the Joint Committee was laid on the table. —

Mr Anderson, by permission, introduced the petition of George W. Sheerer Contesting the seat now occupied by one W. H. Rhett as a Member from Idaho County. —

Mr Anderson introduced the following Resolution;

Resolved by this House that — the petition of Geo. W. Sheerer, Contesting the seat of W. H. Rhett, a Member of this House be referred to the Committee on Elections and the said Committee are hereby authorized and empowered to take evidence in the said Matter and to Compel the attendance of witnesses, and send for all Necessary evidence and that they report to this body as soon as practicable,

On Motion of Mr Baldwin the Resolution was adopted

Mr Clemons, Chairman of the Committee on Printing, Verbally reported Joint Rules printed, also, balance of House Rules and ready for use of Members —

Mr Steward, by permission, gave Notice that he would, at an early day introduce a Bill to prevent Cruelty to Animals —

At 2, 30 P. M. on Motion of Mr J. W. White House adjourned

Attest D. F. Cahoon
Chief Clerk

E. D. Stevenson
Speaker House of Representatives

Twelfth Day.

House of Representatives
Boise City. D.T. Dec. 18th. 1874.

House met pursuant to adjournment.
Speaker in the Chair.
Roll Called - All present -
Journal of yesterday, read and approved.

Reports of Standing Committees.

The Committee of Federal Relations made the following Report:

Mr Speaker.

Your Committee on Federal Relations to whom was referred H. Rs, Rs 3, beg leave to make the following Report:

That we report the same back to the House and recommend its passage with the following Amendments. After the word "Union" and before the word "Your" that the Hon E. J. Curtis, Territorial Secretary be requested to forward a Copy of this remonstrance immediately to our Delegate in Congress, Hon John Hailey

Pool
Chairman

Committee on Engrossed Bills made the following Report;

Mr Speaker.

Your Committee on Engrossed Bills have examined and found Correctly engrossed H. B. Rs 3.

Baldwin
Chairman

On Motion of Mr Anderson the use of the Hall of the House of Representatives was granted for use of Telegraph Meeting to be held on Saturday evening at 7 P.M.

Mr Paddock introduced H. B. No 9. an Act relating to enclosures in this Territory. Read 1st and 2d times and referred to Committee on Agriculture

Third Reading of Bills.

H. B. No 3. by Mr Pierce, A Bill to tax Shares in the National and other Banks in Colusa Territory - read 3d time -

The Question being, "Shall the Bill pass?" The Ayes and Nays were taken with the following result:

Ayes - Messrs Anderson, Balderson, Campbell Cave, Coleey, Clemons, Culp, Groat Hunt, Luney, McCarty, Moore, Nelson Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebotham, Steward, Suthlin Waldrip, White C. R. White J. W. and Mr Speaker - 26.

Nays - None

So the Bill passed -

The Bill was read by Title, and on the Question "Are there any Amendments to the title?" There being no amendments offered, the title of the Bills Stands -

H. B. No 3 taken from the file and read together with the report of Committee recommending the following amendment. That - After the word "Union" and after after the word "Now" - the words "that the Hon E. J. Curtis, Territorial Secretary be requested to forward a Copy of this remonstrance immediately to our Delegate in Congress the Hon. John Hailey" be inserted.

The question being on the adoption of the Amend-

ment proposed by the Committee - The amendment was adopted.

On the question, "Shall the Bill be engrossed and read third time?" It was so ordered.

On motion of Mr Lemmy, the Prison Correspondence submitted to the House by his Excellency, Gov. Bennett was ordered printed

Moved by Mr Cleary, House take a recess till 2 o'clock P. M.

Motion lost.

The Committee on Enrolled Bills made the following Report:

Mr Speaker.

Your Committee on Enrolled Bills have examined and found correctly enrolled H. C. R. No 2 for increase of Mail Service in Ada and Boise Counties, also, H. C. R. No 4. Creating the office of Journal Clerk and have this day presented the same to the Governor for his approval.

J. B. Pierce
Chairman

Moved by Mr Lemmy, House take a recess till 2 o'clock P. M. - Motion lost.

By permission, Mr Sharp introduced H. M. No 4. relating to the removal of certain indians from Fort Lemhi to Fort Hall - Read 1st and 2d time and referred to Committee on Indian Affairs.

Mr Speaker,

I hereby give notice that I will at an early day introduce a bill to encourage the planting of forest trees.

J. B. Pierce.

On motion of Mr Shoup 300 additional copies Roll Call was ordered printed -

The Speaker announced that the Committee on "Corporations" be Changed so as to read as follows: "Committee on Corporations" Moore, Guthrie and Rhett - and that the Committee on Mileage be Changed so as to read "Committee on Mileage - Nelson, Hunt and Rhett -

Moved by Mr Paddock, Hour take a recess until 2 o'clock P. M. - Motion lost.

Mr Speaker, I give notice that on tomorrow I will introduce a Bill for the better protection of Stock to their owners.

C. R. White

On Motion of Mr Lemmy Hour took a recess at 11.30, until 2. P.M.

Afternoon Session.

Hour met pursuant to Adjournment - Speaker in the Chair.
Roll Called - All present -

Message from the Governor.

Executive Department -
Territory of Idaho
Boise City, Dec 15th, 1874.

To the Honorable House of Representatives,
I have the honor to inform your honorable body that - Edward L. Curtis has been duly appointed Clerk to the Executive Department and is authorized

to deliver Executive Messages to each branch of the Legislative Assembly.

Thomas Bennett
Governor

By permission. Mr Anderson introduced H. M. No 3 in reference to U.S. Assay office at Boise City. I.T. Read first and second times.

On motion of Mr Anderson the Rules were suspended. Memorial Corresidence engrossed read the third time and placed upon its passage. On the Question - "Shall the Bill pass?" The Ayes and Nays were taken with the following result:

Ayes - Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Goad, Hunt, Lemmy, McCauley, Moon, Nelson, Paddock, Pierce, Poole, Robbins, Rhett, Schoup, Sidebottom, Stevens, Tuthill, Waldrip, White, C.R. White, J.W. and Mr Speaker - 26

Nays - None -

So the Memorial passed -

The Speaker read a Communication from the Secretary of the Territory, stating that Rev. Mr Lytton had requested the use of the Chairs of the House of Representatives on Christmas evening for the Church - Concert - and that - if it was the will of the House of Representatives he would Cheerfully acquiesce -

On motion of Mr Cleary Mr Lytton was granted the use of the Chairs

The Speaker stated that the President of the Council and Speaker of the House had appointed Mr C. H. Pinney Journal Clerk for the two Houses of the Legislature.

On Motion of Gov Pierce, House adjourned, at 2, 27 P. M.

E. A. Stevenson
Speaker House of Representatives
Attest, L. D. Calhoun
Chief Clerk

Thirteenth Day.

House of Representatives
Boise City. D. T. Dec 19th. 1874

House met pursuant to adjournment
Speaker in the Chair.
Roll Called - All present.
Journal of Yesterday read and approved

Speaker ordered Committee on Corporations to Attend, & ast read, "Moon Guthrie, Rhett

Notice of Bills

Mr Speaker,

I Give notice, that I will at some future day introduce a Bill to prohibit the Seining of trout - ..... fish in all Streams in Idaho Territory

Clemens.

Reports of Standing Committees.

The Committee on Engrossed Bills made the following report:

Mr Speaker.

Your Committee on Engrossed Bills have examined and find Correctly engrossed H. Rs. No. 3.

Baldwin

Chairman

Committee on Milage submitted the following report;

Mr Speaker.

Your Committee on Milage beg leave to submit the following report: Stating the number of miles for which each of the Members of this House is entitled to draw pay.

Idaho County, W. H. Rhett - - - 1,105 miles

Nelson

Chairman

Moved by Mr Anderson that the report be laid on the table.

Motion lost.

Moved by Mr Clemmons that the report be adopted. On the Question. "Shall the report be adopted?" The Ayes and Nays were taken with the following result -

Ayes - Messrs Baldwin, Campbell, Clemmons, Sprout, McCurdy, Moore, Nelson, Paddock, Pool, Robbins, Shoup, Sidebotham, Tuttle

Nays - Messrs Anderson, Cave, Clemmons, Culp, Hunt, Lanny, Pierce, Stevens, Walcup, White C. R. White J. W. and Mr Speaker - 15

Not Voting - Mr Rhett - 1

So the report was adopted -

The following report from the Committee on Indian Affairs was submitted

Mr Speaker,

Your Committee on Military and Indian Affairs, to whom was referred H. M. No 4. relating to the removal of Indians from Fort-Leuhi to Fort-Hall have had the same under consideration and beg leave to report favorably and recommend its passage.

Thomp
Chairman

House Memorial No 4. relating to the removal of Certain tribes of Indians from Fort-Leuhi to Fort-Hall. taken up and read for information.

The Question being. "Shall the Memorial be ordered engrossed?

It was so ordered -

The Committee on Agriculture reported on H. B. No 9. Submitting the following amendments - That Section 7 Shall read as follows: "When two or more persons Construct fences, in Conjunction and inclose fields to be used in joint-occupancy or to divide any lands of such persons, any person so inclosing as joint-occupants or joining in any division fence who shall refuse or neglect to Keep in repair the portion of said fence owned or possessed by him, shall pay all damages sustained by any person so joining in Consequence of such refusal or neglect, and that Sections 7, 8 and 9 of the original Bill, renumbered, Sections 8. 9. and 10.

respectively -

Mr Love offered the following Resolution;
Whereas,

in the early part of the present Session there was a Bill of importance to the people of the Territory at large presented, read and ordered printed; Therefore be it-
Resolved,

That the Committee on Printing be requested to ascertain what progress has been made and report the same to this House at the earliest moment possible -

Carried

On Motion the Resolution was adopted -

Introduction of Bills.

Mr Hunt introduced H. B. No 10 an Act to empower the Assessor of Croyan County to collect taxes, Read 1st and 2d time and referred to Delegation from Croyan County -

House Bill No 9 taken from the file and Amendments thereto, as proposed by the Committee, to whom the Bill had been referred, read

On Motion of Mr Anderson the Amendments proposed by the Committee were adopted

It was ~~ordered~~ referred to the Committee on Engrossed Bills for Engrossment

H. M. No 3 reported Correctly engrossed,
Read for information
On Motion of Mr Anderson the Memorial was referred to the Committee of the Whole -

On motion of Mr Steward H. B. No 4. was made Special order for Monday at 2 Oclock P.M.

On motion of Mr Anderson, House went into Committee of the Whole at 10.45 A.M. to Consider H. Jr. No. 3. protesting against the division of Idaho Territory.

Mr Anderson in the Chair -

Committee arose at 11.10 A.M.

House called to order by the Speaker -

Mr Anderson, Chairman of Committee of the Whole reports that the Committee had had under Consideration H. Jr. No 3. protesting against the division of Idaho Territory, and the Committee recommended its passage.

The Question being, "Shall the report of the Committee be adopted"? The Ayes and Nays were taken -

Ayes - Messrs Anderson, Campbell, Case, Clemens, Carey, McCarty, Moore, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebottom, Steward, Guthrie, White E. R. White J. W. and Mr Speaker - 19

Nays - Messrs Baldwin, Clancy, Culp, Grout, Hunt, Nelson, and Waldrip - 7

So the report was adopted -

Moved by Mr Clancy, Memorial be laid on the table. Motion lost.

The Question being - "Shall the Memorial pass"? The Ayes and Nays were taken -

Ayes - Messrs Anderson, Campbell, Case, Clemens, Carey, McCarty, Moore, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebottom, Steward, Guthrie, White E. R. White J. W. and

Mr Speaker - 19.

Nays - Messrs Baldwin, Bleiny, Culp, Grout, Hunt, Nelson, and Waldrip - 7
So the Memorial passed -

Mr Grout offered the following Protest.

Mr Speaker.

The undersigned protest most earnestly against the passage of H. M. No 3. for the reason that it is opposed to the well known wishes and best interests of a very Considerable number of the people of Idaho Territory who have a right to demand that their Cause shall not be prejudiced by the action of this Legislature -

Mr Grout -
A. J. Nelson
J. S. Waldrip

At 11.20 A. M.
On motion of Mr Baldwin the House adjourned until 2 oClock P. M.

Afternoon Session.

House met pursuant to adjournment -
Speaker in the Chair -
Roll Called, all present except Messrs Lowe, Heimmo, and McCurdy -

Message from the Council.

Council Chamber
Boise City, Dec 19th 1874

Mr Speaker.

I am instructed to inform your honorable body, That the Council have passed the following bills, which are herewith transmitted

And respectfully ask the Concurrence of the House thereon.

C. W. No 1. relating to Government aid to Seattle and W. W. R. R. Also.

C. B. No 10. an Act to Authorize and empower the County Commissioners of Oneida County to Construct roads &c in said County -

E. T. Carr
Chief Clerk of Council.

Mr Clemens, Chairman of Committee on Printing reported H. B. No 2. printed and ready for use of Members -

General File.

C. W. No. 1. relating to Government aid to Seattle and W. W. R. R.

Read 1st and 2d times and, On Motion of Mr Pierce, referred to Committee on Railroads and Telegraphs -

C. B. No 10 an Act to Authorize and empower the County Commissioners of Oneida County to Construct roads &c. in said County -

Read 1st and 2d time and referred to Oneida County delegation

The Judiciary Committee Submitted the following Report:

Mr Speaker,

Your Judiciary Committee to Whom was referred H. F. No. 8. an Act to prevent any person from willfully and Maliciously destroying the property of another, have Considered the same and recommend that be indefinitely postponed for the reason that there is already a Law to the same effect on our Statute books -

Anderson
Chairman

The Question being on the adoption of the report of the Committee - The report was adopted -

The Question then being - "Shall the Bill be indefinitely postponed?"

The Bill was indefinitely postponed.

The following report was submitted by the the Committee on Enrolled Bills -

Mr. Speaker,

Your Committee on Enrolled Bills have examined and found correctly enrolled H. B. No. 1. and have this day presented the same to the Governor for his Approval -

J. B. Pierce
Chairman

Mr C. R. White, by permission, introduced H. B. No. 11. An Act to amend and extend an act - relating to hogs in Ada County,

Read 1st and 2d times and referred to Boise County delegation,

On Motion of Mr Anderson, the report of Judiciary Committee in reference to the Code of Laws prepared by E. J. Curtis was taken from the table,

Mr Anderson asked and was granted leave to present and read a Statement of Hon E. J. Curtis in regard to the Code of Laws Compiled by him -

On Motion of Mr Ballentine the report of the Committee in relation to the same was adopted -

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The Clerk read a Communication from the Ladies of St Michaels Church, addressed to the Speaker, requesting him, in their behalf,

to thank the Members of the House of Repre-
sentatives for the generous manner with which
they notice the Managers of the Christmas Concert
of St Michael's Church, the use of the Chairs of
their Hall.

The Speaker, on behalf of the
Members of the House of Representatives, appropri-
ately accepted the thanks of the Ladies of
St. Michael's Church.

Mr Clemens introduced H. R. No. 6. asking
the Secretary of the Interior for the establish-
ment of a United States Land office at
Malad City, Oneida County, D. T.

Read 1st and 2d time.

Mr Anderson moved that the Rules be
suspended, Bill Considered engrossed,
read 3d time, and placed upon its passage
Carried.

The Question being - "Shall the Bill
pass?" The Ayes and Nays were taken
Ayes - Mess Anderson, Baldwin, Campbell
Cave, Cleary, Clemens, Culp, Goat,
Hunt, Luney, McCarty, Moore, Nelson
Paddock, Pierce, Pool, Robbins, Rhodes,
Shoup, Sidebotham, Steward, Guthrie
Waldrip, White C. R. White J. M.
and Mr Speaker - 26

Nays - None

So the Memorial passed -

Message from the Governor.

Executive Department.
Territory of Dakota.
December 18th. 1874.

To the Honorable House of Representatives,

I have

This day approved H. C. R. No 2 relative to increased service on the mail route from Clarksville to Falls Store -

F. W. Bennett
Governor.

On motion of Mr Lenny H. B. No 2 relating to registration of names of voters, was made the Special Order for Tuesday next at 2 o'clock P.M.

On motion of Mr Robbins, at 2, 38 o'clock P.M. House adjourned until Monday morning -

E. Stevenson
Speaker House of Representatives

Attest

L. D. Cochran
Chief Clerk

Fifteenth Day.

House of Representatives
Boise City, I.T. Dec 21st, 1874.

House met pursuant to adjournment
Speaker in the Chair.
Roll called - All present - except Mr Hunt and McCarty
Journal of Saturday read and approved

Message from the Council.

Council Chamber
Boise City, Dec, 21st, 1874

Mr Speaker,

I am instructed to inform your honorable body, that the Council have had under Consideration and passed;
C. B. No 17, An act to provide for purchase by the Territory of Idaho of the New Compiled and revised Code of Laws of I. T. for reason by E. J. Curtis and for the payment thereof -
All of which is herewith transmitted

E. J. Curtis
Chief Clerk of Council

C. B. No. 17, an act to purchase the New Code of Laws of Idaho Territory, and to provide for paying for the same -
Read 1st and 2d times, and referred to Judiciary Committee -

Mr Anderson introduced H. B. No 12 an act to aid in the Construction of Telegraph lines in Idaho Territory
Read 1st time.
On the question "Shall bill be read 2d time Mr Pierce objecting - The Question was, "Shall

the Bill be rejected" &
The House refused to reject the Bill -
The Question then being - "Shall the Rules be suspended and Bill read 2d time, &
The House refused to suspend the Rules
Moved by Mr Paddock that the vote be reconsidered by which the House refused to suspend the Rules -
Carried.
The Question then being - "Will the House suspend the Rules &". The Rules were suspended and the Bill read 2d time,
On Motion of Mr Anderson the Bill was ordered to be printed and referred to Ada, Ada and Boise County delegation -

Mr Clemens on the part of the Owyhee County delegation submitted the following report:

To the Speaker and
House of Representatives,
Your delegation from Owyhee County, to whom C. B. No 10 was referred, would respectfully wish to report back the same and recommend its passage -

Wm Clemens

Mr Moore introduced H. Bill No 13, an act to provide a jailor for Owyhee County.
Read 1st and 2d time and referred to Owyhee delegation -

C. B. No 10 an act to empower the County Commissioners of Oneida County to Construct a Wagon Road &c in Oneida County,
Read 3d time
The Question being "Shall the Bill pass" &
The Ayes and Nays were taken -

Ayes - Mess Anderson, Baldwin, Campbell
Cave, Cleary, Clemens, Culp, Goat
Hunt, Linney, McCarty, Moon,
Nelson, Paddock, Pierce, Pool,
Robbins, Rhett, Shoup, Sidebottom
Steward, Guthrie, Waldrup,
White C. R. White J. W. and
Mr Speaker - 26

Nays - None

So the Bill passed.
Bill read by title.

By permission, Mr Hunt, Chairman
of Committee on Rail Roads and Telegraphs
made the following Report:

Mr Speaker.

Your Committee on Rail Roads
and Telegraphs, beg leave to report that they
have had under consideration C. M. No. 1,
and recommend its passage

Frank Hunt
Chairman

General File

C. M. No. 1, relating to Seattle and
Walla Walla R. R, taken from the file
and read 3rd time.
The Question being - "Shall the Bill pass?
The Ayes and Nays were taken -.
Ayes - Mess Anderson, Baldwin, Campbell
Cave, Cleary, Clemens, Culp, Goat
Hunt, Linney, McCarty, Moon,
Nelson, Paddock, Pierce, Pool, Robbins
Rhett, Shoup, Steward, Guthrie
Waldrup, White C. R. White J. W. and
Mr Speaker - 26 -

Nays — None

Absent — Mr Sidebotham — 1
Do Otn Journal passed.

By permission, Mr Cleary introduced H. B. No 14. An Act — Authorizing the Board of County Commissioners of Idaho County to grant aid in the Construction of a Wagon Road in Idaho County.
Read 1st, and 2d times and referred to Idaho County Delegation.

By permission, Mr Cleary, also, introduced H. B. No 15. An Act — Relating to the duties of County Commissioners of Idaho County
Read 1st and 2d time and referred to Committee on Counties and County Boundaries —

At 11.11 o'clock A.M. On motion of Mr Clemens, House to a recess until 2 o'clock P. M.

Afternoon Session.

House met pursuant to adjournment — Speaker in the Chair —
Roll called — All present except Mr Sidebotham —

Message from the Governor,

Executive Department
Territory of Idaho
Boise City, Dec. 19th. 1874

To the Honorable House of Representatives,

I have this day approved H. Jn. No. 1, relative to the establishing of a Mail route from Placerville to Upper Payette -

I. W. Bennett
Governor

Messages from the Council.

Council Chamber

Mr Speaker.

I am instructed to inform your honorable body that the Council have passed the following bills, which are herewith transmitted and respectfully ask the Concurrence of the House therein;

C. B. No 9, An Act to repeal an act for the better observence of the Sabbath day -

Also. C. B. No 14 an act fixing the Fees and Salaries of Certain offices in Boise County

E. J. Lewis
Chief Clerk of Council

Council Chamber
Boise City. Dec 16th, 1874.

Mr Speaker,

I am instructed to inform your honorable body that the Council have Concurred in H. Jn. No 3; The U. S. Assay Office at Boise City - which is herewith transmitted -

E. J. Lewis
Chief Clerk of Council

At 2 o'clock P. M. on Motion of Mr Anderson House went into Committee of the Whole to Consider H. B. No 2 -

Mr Price in the Chair -

At 2, 35 o'clock P. M. Committee arose, House called to order by the Speaker -

C. B. No 19 An Act to repeal an act entitled an act for the better observance of the Sabbath - Read 1st and 2d time and referred to Committee on Education -

C. B. No 14 An Act to repeal an act fixing the fees and Salaries of Certain Officers of Boise County - Read 1st and 2d time and referred to Boise delegation.

By permission Mr Moore Submitted the following report on the part of the Owyhee Delegation

Mr Speaker,

The delegation from Owyhee to Whom was referred H. B. Nos 10 & 13 have had the same under Consideration and beg leave to return the same to the House and recommend their Passage

Moore
Hunt
Pool
D. Culp

By permission Mr Anderson Submitted the following Report from Judiciary Committee

Mr Speaker,

Your Judiciary Committee

to whom was refered C. B. No 17. An Act to provide for the purchase by the Territory of Idaho of the New Compiled and revised Code of Laws of Idaho Territory and for the payment thereof, ... hereby report, that they have Considered the Same and recommend its passage

Anderson
Chairman

By permission. Mr Linney submitted the following report of Boise county delegation.

Mr Speaker.

Your committee to whom was refered H. B. No 11 an act to Amend and ~~Act~~ extend an Act "Entitled an Act Concerning Hogs found running at large in Ada County" D. T. Approved Jan. 19th 1866. beg leave to report that they have had the Same under Consideration and recommend its passage -

W. G. Linney
Chairman of Boise Co. Del.

By Mr Hunt - to empower the Assessor of Owyhee County to Collect taxes in Said County taken up and read for information -

The Question "Shall the bill be Engrossed"
It was so ordered, and refered to Engrossing Committee -

C. B. No 13. to provide a Jailor for Owyhee County. taken up and read for information - The Question being "Shall the Bill be ordered engrossed"
It was so Ordered and refered to Engrossing Com

H. B. No 11. an Act to amend and explain an Act relating to hogs in Ada County, read for information and referred to Enrossing Com.

H. B. No 17. to provide for the purchase of the New Code of Laws and to provide for the payment thereof, read for information.

Moved by Mr Pierce to amend by striking out word "One" in Section 2 and inserting word "two" so as to read two Justices instead of one — Carried.

Moved by Mr McCarty, to amend so as to read "Draw his warrant for the payment after work is delivered and approved".
Amendment lost —

On Motion of Mr Anderson, the Rules were suspended, and read 3d time and placed upon its passage — The Question being — "Shall the Bill pass?"
Ayes and Nays were taken;
Ayes — Messrs Anderson, Baldwin, Campbell, Carr, Cleary, Clemens, Culp, Groat, Hunt, Lemp, Moon, Nelson, Pierce, Pool, Robbins, Rhutt, Shoup, Sidebottom, Stevens Guthrie, Waldrip, White G. R. White J. W. and Mr Speaker - 24

Nays — Messrs McCarty and Paddock - 2

So the Bill passed —
Bill sent by title.

At 3,07 o'Clock, P.M. on Motion of Mr Robbins House adjourned —
Attest T. J. Weatherly Chief Clerk
E. A. Stevens
Speaker Pro Tem House of Representatives

Sixteenth Day.

House of Representatives
Boise City, I. T. Dec. 22d, 1874

House met pursuant to adjournment.
Speaker in the Chair.
Roll Called — All present except Mr Robbins —
Journal read and approved.

Report of Standing Committees.

The Committee on Engrossed Bills made the following report:

Mr Speaker.

Your Committee on Engrossed Bills have examined and found Correctly engrossed H. Bs Nos 10, 11, & 13. Also. H. Mr. No 4

Baldwin
Chairman

Special Committees.

Mr Lemmy, Chairman of Boise Delegation submitted the following Report:

Mr Speaker,

Your Committee to whom was referred H. B. No 14, An Act to repeal Certain Acts fixing the Salaries and fees of Certain officers of Boise County, beg leave to report the same back to the House and most respectfully recommend its passage —

M. G. Lemmy
Chairman of
Boise County Delegation

Mr Cleary of Idaho Delegation Submitted the following report:-

Mr Speaker

The Idaho Delegation to whom was referred H. B. No 14 an act authorizing the Board of County Commissioners of Idaho County to grant aid in the Construction of a wagon road in said County have had the same under Consideration and respectfully recommend its passage —

Cleary
Rhett.

Introduction of Bills.

Mr Clemens introduced H. B. No 16. an act for the protection of fish — Read 1st and 2d times and referred to Committee on Counties and County Boundaries —

Mr Campbell introduced H. B. No 17. an act for the protection of Quail in D. C. Read 1st and 2d times and referred to Committee on Agriculture —

Notice of Bills.

Mr Pierce, by permission, gave Notice, that he would at an early day introduce a Bill Concerning Public Roads and the Maintenance of the same, in Ada County.

H. B. No 4. taken up and read for information,

Mr Pierce offered the following Amendment; Strike out the word "one" where it occurs at the end of third line, printed Bill, and insert the word "two" also in line 15 Strike out the word "Six" and insert the word "five" —

The Question being upon the adoption of the Amendments. On Motion they were adopted—

Mr Shoup offered the following amendment. Strike out the word "one" at the end of line 9 and insert the word "two"— Strike out the word "four" when it occurs at the end of line 17 and insert the word "three"—

The Question being on the adoption of the Amendment— The Amendment was lost.

On Motion of Mr Pierce the Bill was placed upon its passage— The Question being, "Shall the Bill pass?"

The Ayes and Nays were taken—

Ayes— Messrs Baldwin, Groat, McCarty, Nelson, Paddock, Pierce, Pool, Robbins Rhett, Sidebottom, Waldrip, White J. W.— 12

Nays— Messrs Anderson, Campbell, Cave Cleary, Clemens, Culp, Hunt, Luney, Moore, Shoup, Steward, Guthrie, White C. R. and Mr Speaker 14

So the Bill failed to pass—

Mr Anderson gave Notice that on tomorrow he would move to reconsider the Vote by which the Bill failed to pass—

Message from the Council.

Council Chamber

Mr Speaker,

I am instructed to inform your honorable body that the Council have concurred in H. M. No 6. asking the Secretary of the Interior to establish a Land

Office at Malad City in Idaho Territory, which is herewith transmitted —

E. J. Carr
Chief Clerk of the Council

H. B. No 14. an act fixing the fees and Salaries of certain Officers of Boise County Read 3d time and placed upon its passage The Question being — "Shall the bill pass?" The Ayes and Nays ~~were~~ taken

Ayes — Messrs Anderson, Baldwin, Campbell, Case, Chaney, Clemens, Culp, Goat, Hunt, Lemmy, McCarty, Moore, Nelson, Paddock, Poor, Robbins, Rhett, Stamp, Silebottam, Steward, Truthill, Walenip, White C.R. White J.W. and Mr Speaker — 26 —

Nays — None
So the Bill passed
Read by title,

H. B. No 14, an act to authorize the County Commission of Idaho County to grant aid in the Construction of a wagon road in said County. On the Question, "Shall the Bill be engrossed?" It was so ordered

H. B. No. 13. an act to provide a jailor in Owyhee County — Read 3d time — The Question being — "Shall the Bill pass?" The Ayes and Nays were taken —

Ayes — Messrs Anderson, Baldwin, Campbell, Case, Chaney, Clemens, Culp, Goat, Hunt, Lemmy, McCarty, Moore, Nelson, Paddock, Poor, Robbins, Rhett, Stamp, Silebottam, Steward, Truthill, Walenip, White C.R., White J.W. and Mr Speaker - 25 —

Nays – Mr. Pierce – 1.
So the Bill passed –
Read again by title.

H. B. No 11. An Act to amend and extend an Act Concerning hogs found running at large in Ada County – Read 3d time – The Question being – "Shall the Bill pass?" The Ayes and Nays were taken –
Ayes – Mssrs Anderson, Baldwin, Campbell, Colvin, Cleary, Clemens, Culp, Groat, Hunt, Lemmy, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebotham, Stewart, Zuthill, Waldrip, White C. R. White J. W. and Mr Speaker – 26

Nays – None
So the Bill passed –
Read again by title.

H. B. No 10. An Act to empower the Assessor of Owyhee County to Collect taxes
Read 3d time – The Question being –
"Shall the Bill pass –
The Ayes and Nays were taken –
Ayes – Mssrs Anderson, Baldwin, Campbell, Cole, Cleary, Clemens, Culp, Groat, Hunt, Lemmy, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebotham, Stewart, Zuthill, Waldrip, White C. R. White J. W. – 24

Nays – Messrs Pierce and Mr Speaker – 2
So the Bill passed –
Read again by title –

Mr Pierce moved that the title be amended so as to read "delinquents-taxes"

Motion lost.

It the title of the Bill Stands —

H. R. No 4, relating to the removal of Certain tribes of Indians from Fort Lemhi to Fort Hall — Read 3d time — The question being — "Shall the Memorial pass?"

The Ayes and Nays were taken —

Ayes — Mssrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Grout, Hunt, Lenny, McCarty, Moore, Nelson, Paddock, Pierce, Poole, Robbins, Rhett, Shoup, Sidebottom Stewart, Stubbs, Waldrip, White C. R, White J. W. and Mr President — 26 —

Nays — None

So the Memorial passed —

H. B. No 9, an Act relating to enclosures in Idaho Territory — Read for information

On motion of Mr Anderson H. B. No 9, was made Special order for Wednesday at two O'clock.

At 11, 30 O'clock, On motion of Mr Lenny House took a recess until 2 O'clock P. M.

Afternoon Session.

House met- pursuant to adjournment- Speaker in the Chair -
Roll Called - All present- except- Sen Mc Carty

Mr Cleary, Chairman committee on Counties and County Boundaries submitted the following report- in Mr Speaker,

Your Committee on Counties and County Boundaries to whom was referred H. B. No 13 relating to the duties of the Board of County Commissioners of Idaho County have had the same under Consideration and respectfully recommend its passage -

Cleary
Chairman

Mr Lamy offered the following Resolution:

Whereas - Sixteen days of this Session have passed and neither a published Copy of the Governor's Message, the report of the Controller, Treasurer or Superintendent of Public Instruction has been furnished this Legislature, Therefore, Resolved - That- the Committee on Printing be requested as soon as Convenient, to report the Causes of this delay

M. G. Lamy

H. B. No 2 an act- for the registration of electors and to prevent- frauds at- Elections - being the Special order for two O'clock, was taken up and read for information

At 2 O'clock P. M. On Motion of Mr Anderson, House went into A[redacted]

Committee of the Whole to Consider the Bill
At 3, 15 o'clock P.M. the Committee arose
and reported — House called to order —
Speaker in the Chair

Mr Pierce, Chairman, Committee of the Whole
made the following report;

Mr Speaker

Your Com-
mittee of the Whole, having had under consid-
eration H. B. No 2 beg leave to report the
same back with the following Amendments;
fill blanks in Section 3. so as to read the
"first-day of July and the 21st day of Oct-
ober". Also. Provided that any person
who is a qualified voter in this Territory
and has no fixed residence may be regis-
tered at any precinct in his County and
on presenting to the judges of election a
Certificate from the register of such that
he is regularly registered, such person
shall be entitled to vote at any precinct
in said County for Territorial and
County Officers —

Pierce
Chairman

The Amendments proposed by the Committee
were severally adopted —

Mr Anderson offered the following
Amendment —

"Amend by adding the follow-
ing Section at the end of Section 15. to be
numbered Section 16.
Section 16 The provisions of this act
shall not apply to the Counties of Ada,
Alturas, Lemhi, Lemhi and Oneida,
each Number Section as Section 17.
On the Question, "Will the House adopt
the Amendments — The Amendments was lost.

The Question then being, "Shall the Bill be ordered engrossed?" It was so ordered and reference to Engrossing Committee

H. B. No. 15 relating to duties of County Commissioners of Idaho County taken up - Read for information

Moved by Mr McCarty Bill be referred to delegations from Idaho and Ada Counties - Motion prevailed, and Bill so referred

At 3.32 o'clock P. M. on Motion of Mr Stivason House adjourned until tomorrow 10. A. M.

E. A. Stevenson
Speaker House of Representatives

Attest

L. B. Cochran
Engr Clerk

Seventeenth Day.

House of Representatives.
Boise City. I. T. Dec. 23. 1874.

House met pursuant to adjournment.
Speaker in the Chair.
Roll Called - all present except Mess's Cleary, Anderson and Mc Carty -

Messages from the Council.

Council Chamber
Boise City, Dec. 23d. 1874.

Mr Speaker,

I am instructed to inform your honorable body that the Council have passed the following bills, which are herewith transmitted, and respectfully ask the Concurrence of the House thereto;

C. B. No 12. An act fixing the fees and Salaries of certain officers in Boise County, also. C.B. No 16. An act to dissolve the bonds of Matrimony existing between L. P. Higbee and Sophia E. Higbee

E. J. Carr
Chief Clerk of Council

Council Chamber
Boise City, Dec. 28d, 1874.

Mr Speaker,

I am instructed to inform your honorable body that the Council have Concurred in H. Jr. Mo. 3. A petition to Congress against the division of Idaho Territory - also, the Council have Concurred in H. Jr. Mo 4. relating to the different Tribe of indians in Idaho Territory, all of which is herewith transmitted

E. J. Carr
Chief Clerk of Council,

Standing Committees.

The Committee on Engrossed Bills made the following report:

Mr. Speaker.

Your Committee on Engrossed Bills have examined and found Correctly engrossed H. B's Nos 2 & 4.

Baldwin
Chairman

The Committee on Printing Submitted the following report:

To the Speaker and House of Representatives;

In accordance with Your request, Your Committee on Printing to report the cause of the delay in the delivery of the printed Copy of the Governor's Message, report of Superintendent of Public Instruction and Controller's report; Your Committee have made due inquiries as instructed and find that the printing of the same is not yet Completed and that the said Copies Cannot be delivered to this House, before the 26th instant with the exception of a Copy for each member, of the Governor's Message, which will be delivered at 2 o'clock P. M.

Holmes
Chairman

Committee on Agriculture Submitted the following report:

Mr Speaker,

Your Committee to whom was referred H. B. No 17 have had the same under Consideration and beg leave to report the same back to the House and recommend its passage.

C. R. White
Chairman

C. B. No. 12. An Act fixing the fees and Salaries of Certain Officers of Boise County. Read 1st and 2d times, and on Motion of Mr Baldwin the Rules were suspended. Bill read 3d time and placed upon its passage - The Question being - "Shall the Bill pass?

The Ayes and Nays were Called.

Ayes - Messrs Anderson. Baldwin. Campbell. Lowe. Cleary. Clemens. Culp. Grout. Hunt. Lemmy. McLeerty. Moon. Nelson. Paddock Pool. Robbins. Rhett. Shoup. Sebbothum Steward. Guthrie. Waldrip. White C. R. White J. W. and Mr Speaker - 25 -

Nays - None

Absent - Mr Prince - 1

So the Bill passed -

C. B. No 16. An act to dissolve the bonds of Matrimony between L. P. Higbee and Sophia E. Higbee - Read 1st and 2d times and on Motion of Mr Clemens the Rules were Suspended, Bill read 3d time and placed upon its passage The Question being - "Shall the Bill pass?

The Ayes and Nays were taken -

Ayes - Messrs Anderson, Campbell, Clemens, Culp, Grout, Hunt, Moon, Nelson, Paddock, Robbins, Rhett, Shoup, Sebbothum and White J. W. - 14.

Nays - Messrs Baldwin, Lowe, Cleary, Lemmy McLeerty, Prince, Pool, Steward, Guthrie Waldrip, White C. R, and Mr Speaker - 12

So the Bill passed -

General File.

H. B. No 14 An act to Authorize the County Commissioners of Idaho County to aid in the Construction of a Wagon road in Said County

Read 3d time and placed upon its passage -
The Question being - "Shall the Bill pass -
The Ayes and Nays were taken -
Ayes - Messrs Anderson. Baldwin. Campbell
Deane. Denny. Clemens. Culp. Grout.
Hunt. Lanny. McCarty. Moore. Nelson
Paddock. Pierce. Pool. Robbins. Rhett.
Shoup. Sickelbottom. Stevens. Guthrie.
Waldrip. White C. R. White J. W. and
Mr Speaker - 26

Nays - None.

So the Bill passed.

H. B. No 17 an Act - for the protection of Quails in Idaho Territory, Read for information. The Question being - "Shall the Bill be engrossed It was so ordered and referred to Engrossing Committee -

The Committee on Enrolled Bills Submitted the following report:

Mr Speaker,

Your Committee on Enrolled Bills ~~have examined and found correctly~~ enrolled H. R. Nos 5, also. H. R. No 6. and have this day presented them to the Governor for his Approval.

J. B. Pierce
Chairman

H. B. No 2 an Act for the registration of electors and to prevent frauds at Elections Read for information, The Bill was then read 3d time and placed upon its passage. The Question being - "Shall the Bill pass? The Ayes and Nays were taken -
Ayes - Messrs Baldwin. Campbell. Deane. Culp. Grout. Lanny. Nelson. Paddock. Pool. Robbins. Sickelbottom Stevens. Waldrip. White C. R.

White G. W. and Mr Speaker – 16

Nays – Messrs Anderson, Cleary, Clemens, Hunt, McCarty, Moore, Pierce, Rhett, Shoup, Guthrie – 10 –

So the Bill passed –

On Motion of Mr Anderson, in accordance with previous notice, the vote by which H. B. No 4. was defeated, was reconsidered –

On Motion of Mr McCarty, the vote was reconsidered, by which the Bill was read 3d time –

Mr McCarty offered the following Amendment, Strike out the word "two" in line 3 and insert the word "One", also, Strike out the word "five" in line 15 and insert the word "Six" –

Moved by Mr Cleary to lay the Bill on the table – Motion lost –

The Question being upon the adoption of the Amendment offered by Mr McCarty –
The Amendment was lost –

Mr Shoup offered the following Amendment, Strike out "One" at the end of line 9 and insert – the word "two" – Strike out – "four" at the end of line 17 and insert – the word "three"
The Question being on the adoption of the Amendment – The Amendment was adopted –

On Motion of Mr Anderson, the Rules were Suspended, the Bill Considered engrossed, read third time and placed upon its passage –
The Question being – "Shall the Bill pass?
The Ayes and Nays were taken –
Ayes – Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Groat, Nelson, Paddock, Pierce, Pool, Robbins, Shoup, Tiebolt[illegible]

Stewart, Luthill, Wallrip, White B. R.
White J. W. and Mr Speaker - 19.

Nays - Messrs Clemens, Culp, Hunt, Laney,
McCarty, Moore, and Rhett - 7 -

So the Bill passed -

On Motion of Mr Hunt, at 11.35. Hour took a recess until 2. P. M.

Afternoon Session.

House met pursuant to adjournment, Speaker in the Chair.
Roll Called - All present - except Mr Hunt,

The Committee on Counties and County Boundaries, to whom was referred H. B. No 16, An Act relating to the further protection of fish have had the same under Consideration and respectfully recommend its passage -

Mr McCarty offered the following amendment, "That Salmon trout be exempted from the provisions of this Bill" -
The Question being - "Shall the Bill be ordered engrossed and read 3d time?" It was so ordered and refered to Engrossing Committee

On leave, Mr Laney introduced H. M. No 7, Memorializing for the Construction of a wagon road in Northern and Southern Idaho,
Read 1st and 2d times -

On Motion of Mr Laney, the Rules were Suspended, Memorial Considered engrossed, ~~read~~ read 3d time and placed upon its passage - The Question being - Shall the Memorial Pass? -

The Ayes and Nays were taken.
Ayes – Mess's Anderson, Baldwin, Campbell, Cave, Cluney, Clemens, Culp, Groat, Hunt, Lanny, McCarty, Moon, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sickelbottom, Stevens, Guthrie, Waldrip, White C. R. White J. W. and Mr Speaker.
26 –

Nays – None,
So the Memorial passed.

H. B. No. 9. relating to enclosures in Idaho Territory, being Special order for 2 o'clock, was taken up and read for information – Read 3d time and placed upon its passage –
The Ayes and Nays were taken –
The Question being "Shall the Bill pass"
Ayes – Mess's Baldwin, Cave, Cluney, Clemens, Groat, Hunt, Lanny, McCarty, Moon, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sickelbottom, Stevens, Guthrie, Waldrip, White C. R. White J. W. and Mr Speaker – 24.

Nays – Mess's Anderson and Culp – 2
So the Bill passed.

Mr Anderson arose to a Question of privilege and proceeded to Criticise the Course of the editor of the "Idaho Weekly Statesman" Newspaper, in his animadversions upon him.

Mr Kelley asked the House to grant him the privilege of replying to the remarks of Mr. Anderson
The House granted leave.

Mess's Hunt and Lanny asked leave of absence until Tuesday next –

At 3 o'clock, P.M. On motion of Mr Pierce House adjourned —

E. A. Stevenson
Speaker House of Representatives

Attest

L. D. Cahalan
Chief Clerk

Eighteenth Day.

House of Representatives
Boise City, Dec. 24th, 1874.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called - All present - except - Messrs. Campbell and White J. W.
Journal read and approved.

Mr L. R. White asked and was granted leave of absence until Tuesday next.

Notice of Bills.

Mr Speaker,

I give Notice that - I will, at some future day, introduce a Bill Concerning Toll Roads in Boise County -

Lewis

Mr Speaker,

I hereby give Notice, that - some future day, I will introduce an act - relating to the discovery of Gold and Silver Quartz Leads and of the Manner of their location.

Anderson,

Standing Committees.

The Committee on Engrossed Bills, submitted the following report;

Mr Speaker,

Your Committee on Engrossed Bills, have examined and found Correctly engrossed H B. Nos 4, 16, and 17.

Baldwin
Chairman

Mr Clemons, from the Committee on Printing reported as follows;

That - 57 Copies of H. B. No. 3, been printed and were ready for use of Members. Also, 42 Copies Governs Message -

H. B. No. 16, an Act for the protection of fish taken up and read for information. Bill read 3d time and placed upon its passage - The Question being - "Shall the Bill pass?" The Ayes and Nays were taken -

Ayes - Mess Anderson, Campbell, Cleary, Clemons, Culp, Groat, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sidebotham Steward, and White J. W. - 17.

Nays - Mess Baldwin, Case, Robbins, Tuttle and Mr Speaker - 5 -

Not Voting - Mr Waldrip - 1

Absent - Mess Hunt, Laney and White C. R. - 3

So the Bill passed.

H. B. No 17. An Act for the protection of Quails in Idaho Territory. Read for information, the Bill was then read 3d time, and placed upon its final passage.
The Question being - Shall the Bill pass?
The Ayes and Nays were taken
Ayes - Mssrs Anderson, Balluvin, Campbell Cave, Cleary, Clemens, Culp, Goat, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sidebottom, Steward, Guthrie, Waldrip, White J. W. And Mr Speaker - 22 -

Nays - None

Absent - Mssrs Hunt, Lemy, and Robbins - 3.

So the Bill passed.
Read by title.

On Motion of Mr Moore, At 10.40 A.M. House took a recess until 3. P. M.

Afternoon Session.

House met pursuant to adjournment,
Speaker in the Chair.
Roll Called - All present -

Message from the Council.

Council Chamber
Boise City Dec 24th, 1874

Mr Speaker,
I am instructed to inform your honorable body that the Council have passed the following bills, which are herewith transmitted, and respectfully ask the

the Concurrence of the House therein.

C. B. No 15 an
Act to Compensate Wm Fraser and B. F. Hooten,
for Services rendered, Also. C. B. No 21. An
Act defining the Meaning and intention of re-
pealing Sections of Legislative enactments.

E. J. Carr
Chief Clerk of Council.

Councie Chamber
Boise City, Dec 24th 1874

Mr Speaker,

I am instructed to inform Your honorable body that the Council have had under consideration and passed H. B. No 4. An Act Concerning hogs &c, Also. H. B. No 13. An Act to provide a Jailor in the Co of Owyhee Also. H. B. No. 7 Relating to an Appropriation for the Constructing of a Wagon Road in Northern and Southern Idaho. Also, the Council have had under Consideration H. B. No. 2. relating to registration and have rejected the same, All of which is herewith transmitted.

E. J. Carr
Chief Clerk of Council

The Select Committee, Consisting of Ada and ~~Boise~~ Idaho County delegations submitted the the following report:

Mr Speaker

Your Select Committee Consisting of the Idaho and Ada County delegations to whom was referred H. B. No. 15 have had the same under consideration and respectfully recommend its passage.

McCarty. Pierce
Paddock & Robbins
On behalf of Ada Co.

Rhett & Cleary
On behalf of Idaho Co

Message from the Governor.

Executive Department.
Territory of Idaho
Boise City, Dec. 23d 1874,

To the House of Representatives.

I have this day approved H. Bill, in relation to the U. S. Assay office at Boise City.

Also. H. Bill, in relation to the establishing of a Land Office at Malad City.

J. W. Bennett
Governor.

On leave of the House Mr. Columns introduced H. B. No 18. an Act to provide for the payment of witnesses in Criminal Cases. Read 1st and 2d times and referred to Judiciary Committee.

On leave. Mr Anderson, introduced H. B. No 19. an Act to dissolve the bonds of Matrimony between Mary Lindner and Samuel Lindner. Read 1st and 2d time and referred to Judiciary Committee.

On leave, Mr Pierce introduced H. B. No 20 an Act to authorize the re canvass of the Vote for Delegate in Congress.
Read 1st and 2d times and referred to Judiciary Committee

H. B. No 15, an Act relating to the duties of County Commissioners of Idaho County. On the Question "Shall the Bill be ordered engrossed and read 3d time." It was so Ordered and referred to Engrossing Committee.

H. B. Nos 15 and 21, were, by order

of the Speaker, returned to the Council for Engrossment -

On motion of Mr Anderson, at 3.30 o'clock P.M., House adjourned until Saturday Morning next.

E A Stevenson
Speaker House of Repres-

Attest, T D Eckalon
Chief Clerk

Twentieth Day.

House of Representatives.
Boise City, I.T. Dec 26th, 1874

House met pursuant to adjournment,
Speaker in the Chair.
Roll Called - All present except Mr Ivins
Absent and excused -
Journal read and approved.

Standing Committees

Mr Baldwin of the Committee on Engrossed Bills asked that H.B. No 13 be referred to a Committee Consisting of Ada and Idaho Counties -
The Bill was so referred.

Mr Pierce introduced H.B. No 21, An Act to encourage the growth and culture of forest trees in Idaho Territory -
Read 1st and 2d times and referred to Committee on Territorial Affairs -

Mr Campbell moved, at 10.15 o'clock A.M., to adjourn until 3 o'clock P.M.
Motion lost.

On Motion of Mr Ridlebothum at 10.20 A.M. House adjourned until 2 O'clock P.M.

Afternoon Session.

House met pursuant to Adjournment - Speaker in the Chair. Roll Called - All present - except - Mr Robbins.

Mr Shoup introduced H.B. No 22 an Act to Create a Board of County Commissioners for each County of Idaho Territory - Read 1st and 2d time and refered to Judiciary Committee

The Judiciary Committee Submitted the following report:

Mr Speaker,

A Majority of your Judiciary Committee to whom was refered H.B. No 19. an Act to dissolve the bonds of Matrimony existing between Mary E. Lindner and Samuel Lindner hereby report, that they have Carefully Considered the same and find the facts stated in the preamble of said Act to be true, viz, that said Mary E. Lindner had instituted a Suit in the District Court 2d Judicial District

in and for Ada County, against said Samuel Lindner to dissolve the bonds of matrimony, that due service by publication has been made on said Samuel Lindner that no answer has been filed that the grounds of the divorce are abandonment or desertion and failure to provide the common necessaries of life, that the depositions on file fully sustain the Complaint and wherein that the plaintiff would sustain her action and obtain a divorce, That there are no Children or property involved or to be disposed of. That on account of the absence of the judge the November term of Court was not held, and if it had been said action would have been disposed of and the divorce granted — That there is a vacancy in the office of Judge of the 2d district and there is no knowing when another Court will be held — That the facts show that this is a meritorious case for action by the Legislature, therefore, Your Committee earnestly recommends the passage of the Bill

W. S. Anderson
R. A. Sidebotham

Mr Shoup was called to the Chair,

On Motion of Mr Stevenson H. B No 19 was referred to Committee of the Whole for 7 o'clock Tuesday evening —

Committee on Engrossed Bills made the following report:

Mr Speaker,

Your Committee on Engrossed Bills have examined and found Correctly engrossed H. B. No 15

Baldwin
Chairman

On leave, Mr Robbins introduced H. B. No 23, An Act- to dissolve the bonds of Matrimony now existing between Lydia Ann Patten and Spencer B. Patten - Read 1st time.

Mr Lewis objected to 2d reading of the Bill, The Question being, "Shall the Bill be rejected? The House refused to reject the Bill -

The Question being - Shall the Rules be suspended and Bill read 2d time - The Rules were Suspended and Bill read 2d time

On Motion of Mr Stevenson the Bill was referred to the Committee of the whole and made Special order for Tuesday evening at 7½ o'clock

On Motion of Mr Stewart, at 3 P.M. House adjourned until Monday.

E. A. Stevenson
Speaker House of Representatives

Attest

L. D. Calhoun
Chief Clerk

Twenty Second Day.

House of Representatives.
Boise City, D.T. Dec. 28th, 1874.

The Speaker being absent-the House proceeded to the election of a Speaker pro tem.

On motion of Mr Shoup, Mr Pierce of Ada was elected Speaker pro tem.
Mr Pierce took the Chair.
Roll Called - All present except Messrs Baldwin, Luthill and Mr Speaker -

On motion of Mr Stivers a Call of the House was ordered.

The absentees appearing at the Bar of the House, On motion of Mr Anderson, a further Call of the House was dispensed with.

Journal of Saturday read and approved.

Standing Committees.

The Committee on Education submitted a report upon H. B. No. 1. An Act to establish Public Schools in Idaho Territory and to provide for the Maintenance of the same, recommending several Amendments to the Bill and its passage after being so amended.

The Committee on Territorial Affairs submitted the following report:

Mr Speaker,

Your Committee on Territorial Affairs to whom was refered H. B: No. 21 An Act to encourage the Growth and Culture of forest-trees in Idaho Territory, have Considered the same and recommend that the Act be Amended

by striking out the word "ten" at the end of line 21 of section 1. and inserting in lieu thereof, the word "five" and when so amended, recommend the passage of the bill.

Robbins
Chairman.

Petitions.

Mr Groat introduced a Petition from the Citizens of Lewiston, Asking the repeal of Certain Sections of the Act- establishing the City Government- of the City of Lewiston,
Referred to the Committee on Education.

General File.

H. B. No. 15 an act- relating to the duties of the County Commissioners of Idaho County taken up, read 3d time and placed on its passage - The Ayes and Nays were taken.

Ayes - Messrs Anderson, Baldwin, Chamberlain, Clark, Clemens, Culp, McCarty, Moore, Nelson, Paddock, Pool, Robbins, Rhett, Stroup, Sidebottom, Stewart, Tuthill, White J. W. and Mr Speaker - 20

Nays - Messrs Groat and Waldrip - 2

So the Bill passed,
Read by title and approved,

H. B. No. 21. An act to encourage the growth and Culture of forest- trees in Idaho Territory, taken up and read together with the amendment- proposed by the Committee. The Question being - "Will the House adopt- the Amendment - The amendment was adopted -

The Question being = "Shall the Bill be ordered engrossed and read 3d time - It was so ordered and refered to Engrossing Committee -

H. B. No. 1. An act to establish Public Schools in Idaho Territory and to provide for the Maintenance of the same, taken up.
On Motion of Mr Moon, Bill was refered back to the Committee with instructions to report a Substitute

On Motion of Mr Anderson, at 11. oClock a.m. House took a recess until 2 P.M.

Afternoon Session.

House met pursuant to adjournment,
Speaker in the Chair,
Roll Called - all present,

Message from the Council.

Council Chamber
Boise City, Dec 28th, 1864.

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under consideration H. B. No 14 an act granting aid to Construct a wagon road in Idaho County, and passed the same, which is herewith transmitted.

E. J. Carr
Chief Clerk of Council

By leave, Mr Pierce presented a Petition from the Citizens of Ada County praying for the repeal of an act entitled an act for the better Observance of the Lords day

Read and referred to Committee on Education -

Mr Robbins presented a Protest from the Citizens of Ada County protesting against the repeal of an act for the better Observance of the Lord's day -

Read and referred to Committee on Education -

The Committee on Engrossed Bills Submitted the following report:

Mr Speaker.

Your Committee on Engrossed Bills have examined and found Correctly engrossed H. B. No 21,

Baldwin
Chairman

The Committee on Enrolled Bills Submitted the following report:

Mr Speaker.

Your Committee on Enrolled Bills have examined and found Correctly Enrolled H. Rs. Nos 3 & 4 and have this day presented the same to the Governor for his approval -

J. B. Pierce
Chairman -

Mr Speaker.

Your Committee on Enrolled Bills have examined and found Correctly enrolled H. Bs Nos 11, & 13. Also. H. Rs. No 7. and have this day presented the same to the Governor for his Approval -

J. B. Pierce
Chairman.

The Committee on Education submitted the following report:

Mr. Speaker.

Your Committee on Education to whom was referred Petition from Citizens of Lewiston, D. T. praying to be restored to the operation of the Common School Law, beg leave to report a Bill Covering the grounds prayed for, All of which is herewith transmitted,

Waldrip
Campbell
J. B. Pierce

H. B. No. 24. An Act to amend and repeal Certain Sections of an act to incorporate the town of Lewiston. Read 1st and 2d times.

And on Motion of Mr Anderson, the Rules were Suspended, Bill Considered engrossed, read 3d time and placed upon its passage -

The Question being - "Shall the Bill pass?

The Ayes and Nays were taken -

Ayes - Messrs Anderson, Baldwin, Campbell, Davis, Ellsworth, Gulp, Groat, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhoda, Shoup, Sidebottom Stivason, Tuthill, Waldrip, White J. W. and Mr Speaker - 23,

Nays - None

So the Bill passed
Read by title and Approved.

By leave. Mr Mc Canty introduced H.B. No 25 An Act- fixing the fees and Salaries of Certain Officers of Ada County- Read 1st and 2d time and reference to Delegation from Ada County-

On Motion of Mr Pierce the order, referring H. B. No 1. to the Committee on Education and Commanding them to report a Substitute thereof was rescinded -

H. B. No 21. An Act to encourage the Growth and Culture of forest-trees in Idaho Territory, taken up, and read 3d time and placed upon its passage -

The Question being - "Shall the Bill pass?" The Ayes and Nays were taken -

Ayes - Messrs Anderson, Bare Cleary, Clemens, Culp, Groat, McCarty, Moore, Nelson, Paddock Pierce, Pool, Robbins, Rhett, Shoup, Sieleboltum, Stevens, ~~Truthill~~ Waldrip, White J. W. and Mr Speaker - 20

Nays - Messrs Baldwin, and Campbell - 2

Absent - Mr Truthill - 1

So the Bill passed -
Bill read by title and approved -

The Committee on Education reported H. B. No 1. An Act to establish Public Schools in Idaho Territory and to provide for Maintaining the Same - The Report was read,

1st Strike out Section 6 in title 2 - The Question being on the

adoption of the Amendment — It was adopted.

2d Strike out Section 3. in title 4 and insert the following — "It is also made his duty and he is hereby authorized and empowered to loan out all moneys belonging to said funds in sums not to exceed five hundred dollars to one person, who shall secure the same together with an attorneys fee of fifty dollars in case of foreclosure of Mortgage) by Mortgage on real estate of three times the value of the money loaned —

The Question being — "Shall the Amendment be adopted?" It was adopted —

3d In title 4 Section 4 file first blank with the word "twelve" and second blank with the word "ten" — The Question being — "will the House adopt the amendment?"

The Amendment was adopted —

4th Strike out Section 1 of title 8 and insert — "The Auditor of each County is hereby made ex officio County School Superintendent — who, in addition to his oath of office as Auditor shall qualify to perform faithfully the duties of School Superintendent of his County —

Mr Anderson offered the following amendment to 4th Amendment, provided that in the Counties of Alturas, Boise and Lemhi, the Probate Judges shall be ex officio Superintendents of Public Instruction in their respective Counties —

The Question being — Shall the Amendment to the Amendment be adopted?

It was adopted — The Question then being "Shall the Amendment be adopted?

It was adopted —

5th Strike out Section 2 of title 8 and Section

3. be numbered Section 2 and so on through the title —

The Question being — "Shall the Amendments be adopted?" It was adopted —

6 In Section 3 title 3 and 12 line. Strike out the word "third" and insert "one half" Also, in same Section. Strike all from word "as" at the end of line 16 to the word "the" in line 25 and after the word "remaining" in line 25 strike out the words "two thirds" and insert the words "one half" —

The Question being — Will the House adopt the Amendment — The Amendment was adopted —

Mr McCurdy — moved to amend 6th Amendment by striking out the words "one half" and inserting the words "one third"

The Amendment was lost.

7 In Section 5 title 5, Strike out all from word "County" in line 3 to word "in" in line 4, Also, at end of same Section Add — "provided that each County shall Constitute at least one School District irrispective of the Number of Children of School age in said County —

The Question being — "Will the House adopt the Amendment — The Amendment was adopted —

8 Strike out all of Section 7 title 5 after line 2 and Consolidate the first two lines with Section 8 and Section 8 to be Numbered Section 7 and so on through — the title and paragraph 2 to be numbered paragraph 1 and so on through the Section — The Question being — "Will the House adopt the Amendments —

It was adopted —

9 Strike out all of Section 9 title 5 and Section 10 to be numbered Section 9 and so on through the title - The Question being - "Shall the Amendment be adopted?" It was adopted -

10 In Section 1, title 7 in 3d line, strike out the word "June" and insert the word "February" The Question being on the adoption of the Amendment - It was adopted -

11 Added the following to the end of Section 4, title 7 - "It shall also be the duty of the Board of Trustees to examine teachers as to their proficiency in the art of teaching and as to their Knowledge of the Primary branches of English Education -

11 They shall grant Certificates in accordance with his or her Competency; but no teacher shall receive a Certificate of Qualification unless he or she shows a proficiency in Orthography, Reading, Writing, Arithmetic, Geography, English Grammar and History of the United States - In all cases when trustees have any doubt of their ability to Conduct such examination they may Call on any person in the district to assist them - The Question being - "Shall the Amendment be adopted - It was adopted -

12 Strike out all of Section 2 of title 9 - The Question being - Will the House adopt the Amendment - The Amendment was adopted -

13 Strike ~~out~~ all of Section 4 of title 10 and insert; The Compensation of the County School Superintendents of the several Counties shall be paid annually on the first Monday of October out of the County School Fund, and before

receiving said Compensation, said County Superintendent shall have received a Certificate from the Territorial School Superintendent, that his duties have been faithfully performed during the last School Year, upon which the Board of County Commissioners of the respective Counties shall draw a warrant upon the School Fund for such Amount as they may Audit and allow not to exceed five dollars for each School District in his County legally organized and Complying with the provisions of this Act — The Question being "Will the House adopt the Amendment?"

It was adopted —

14 To Strike out all of Section 5 and Section 6 to be numbered Section 5 and so on through the title —

The question being "Will House adopt the amendment —

It was adopted —

The Question then being "Shall the Bill be engrossed and read 3d time —

It was so ordered and referred to the Engrossing Committee —

Message from the Council,

Council Chamber
Boise City, Dec 28th, 1874

Mr Speaker

I herewith return to your honorable body C. B. No 15 An act to Compensate Wm Fraser & B. G. Hoofer for Services rendered, Also, C. B. No 21 An Act defining the Meaning and intention of repealing Section 27 Legislative

enactments,

All of which is herewith transmitted,

E. G. Carr
Chief Clerk of Council

C.B. No. 15, An act to Compensate Wm Fraser and B.C. Hooker for Services rendered

Read 1st and 2nd time and referred to Judiciary Committee.

C.B. No. 21, an act defining the Meaning of the repealing Sections of Legislative Enactments.

Read 1st and 2nd time and referred to Judiciary Committee.

On Motion of Hon C Cleary, at 3.49 P.M. House adjourned until Tuesday Morning

E A Stevens
Speaker House of Representatives

Attest
J. D. Cashman
Chief Clerk

Twenty Third Day.

House of Representatives.
Boise City. I. T., Dec. 29th, 1874.

House met pursuant to adjournment,
Speaker in the Chair.
Roll Called — All present,
Journal of yesterday read and approved.

Message from the Council.

Council Chamber,
Boise City, Dec, 29th, 1874.

Mr Speaker.

I am instructed to inform Your honorable body that the Council have passed the following bills, which are herewith transmitted, and respectfully ask the Concurrence of the House thereon,

C. B. No 22 as amended, An Act to regulate the Settlement of the estate of deceased persons. Also, C. B. No 36 as amended, An Act Concerning Fraudulent Conveyances and Contracts, Also, C. B. No 55 An act to disolve the bonds of Matrimony between Ernestine Schnable and Julius Schnable

E. J. Carr.
Chief Clerk of Counci

Standing Committees.

The Judiciary committee submitted the following report:

Mr Speaker

Your Judiciary committee to whom was referred C. B. No 15, To Compensate Wm

Fraser and B. C. Hooker for services rendered the Territory in arresting and returning Criminals, hereby report-That-they have examined the same and find that-the Services were rendered and on a Territorial Charge and recommend the passage of the Bill.

Anderson
Didebotham
Pierce
} Com.

Mr Speaker.

Your Judiciary Committee to whom was referred H. B. No 21, an act defining the meaning and intention of repealing Sections of Legislative enactments-have examined the same, and hereby report the same back and recommend its passage.

Anderson
Chairman

Committee on Enrolled Bills submitted the following report:

Mr Speaker

Your Committee on Engrossed Bills have examined and found Correctly engrossed, H. B. Nr. 24.

Baldwin
Chairman

The Committee on Printing Submitted the following report:

Mr Speaker

Your Committee on Printing have, from time to time, for the last ten days, called at the Printing Office for the printed reports, and have as often been promised that-we would be furnished the same, and the promise that-we can have the reports to day

Wm Clemens
Chairman

Messages from the Council taken up and acted upon.

C. B. No 5 - 5 an act to dissolve the bonds of matrimony between Ernestine Schnoble and Julius Schnoble, Read 1st time.

Mr McLarty objected to a second reading of the Bill -

The Question being - "Shall the Bill be rejected,"

The Ayes and Nays were taken

Ayes - Messrs Baldwin, Campbell, Clemens, Hunt, Linney, McLarty, Paddock, Pierce, Pool, Rhett, Shoup, Stewart, Waldrip, White B.R. J.W. White and Mr Speaker - 17 -

Nays - Messrs Anderson, Cleary, Culp, Grat, Moore, Nelson, Robbins Sidebottom, and Guthrie - 9

So the Bill was rejected -

On Motion of Mr Pierce a Special Committee of one from each County was appointed by the Speaker Consisting of

Messrs Pierce of	Ada Co		
Sidebottom "	Alturas "		
Campbell "	Boise "		
Clemens "	Oneida "		
Waldrip "	Nez Perce "		
Cleary "	Lemhi "		
Shoup "	Lemhi "		
Hunt "	Owyhee "		
Nelson "	Shoshone "		

to examine the C. B's Containing the New Code -

C. B. No 31. An act defining the rights of Husband and Wife - Read 1st and 2d times and refered to Special committee.

C. B. No 36. an act concerning fraudulent Conveyances - Read 1st and 2d times and refered to Special committee

Message from the Council.

Council Chamber
Boise City. Dec. 29th. 1874.

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under consideration and passed C. B. No 18, an act to provide for the disposal of Lands entered as town sites under the Acts of Congress. and respectfully ask the concurrence of the House thereto, all of which is herewith transmitted -

E. J. Carr
Chief Clerk of Council.

On motion of Mr Lenny, C. Bills Containing the Code were read by titles and refered to Special committee -

C. B. No. 22. An act to regulate the settlement of the estate of deceased persons. Read 1st and 2d times. and refered to Special committee

C. B. No. 21. An act to define the meaning of repealing Sections. Acts & Legislative enactments. Read 3d time and passed upon its passage - The Question being - "Shall the Bill pass?" The Ayes and Nays were taken Ayes - Messrs. Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Groat, Hunt, Lenny, McCurdy

Brown, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Stroup, Silebotham, Steward; Luttrell, Waldrip, White C.R. White J.W. and Mr Speaker. 26

Nays - None

So the Bill passed,
Read by title and approved.

C.B. No. 15, An act to Compensate Wm Fraser and B.G. Hooker for services rendered
Read 3d time and placed upon its passage
The Question being - "Shall the Bill pass?
The Ayes and Nays were taken.
Ayes - Mrs Anderson, Baldwin, Clary, Clemens, Culp, Hunt, Lamy, Moon, Nelson, Pierce, Pool, Robbins, Rhett, Stroup, Silebotham, Steward, ~~Luttrill~~ Waldrip, White C.R. White J.W. 19.

Nays - Mrs Campbell, Leave, Groat, McCarty Paddock, Luttrill and Mr Speaker - 7.

So the Bill passed.
Read by title and approved.

C.B. No. 18, An act to provide for the disposal of Lands entered as town Sites -
Read 1st and 2d times.

Moved by Mr Anderson, that Rules be Suspended, Bill Considered engrossed read 3d time, and placed upon its passage - Motion lost -

The Bill was then referred to Judiciary Committee

On Motion of Mrs Campbell, at 12,05 P.M. House adjourned until 2 P.M.

Afternoon Session.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called. All present except Messrs Lowe and Clemens.

By leave. Mr Culp introduced H. B. No 26. An act to provide for the incorporation of the Mining Union of Fairview, Owyhee County, O. T. — Read 1st and 2d time and referred to committee on Corporations.

By leave. Mr Lamy introduced H. B. No 27 An act to dissolve the bonds of matrimony between Mathias Davis and Eliza Jane Lowry Davis — Read 1st and 2d times and on motion of Mr Pierce, referred to committee of the Whole and made Special order for this evening at 8 o'clock.

The committee on Education submitted the following report:

Mr Speaker,

Your committee on Education to whom was referred C. B. No 19, beg leave to report this same back without recommendation.

Respectfully Submitted

Waldrip
Chairman.

Mr Pierce submitted the following Minority report from the same committee.

Mr Speaker.

The undersigned a Minority of your Committee on Education to whom was referred C. B. No 19, having carefully examined the same and having made diligent inquiry

in regard to the sentiments of the Citizens of Boise City who are most directly interested in the same, beg leave to report and recommend its passage - All of which is respectfully submitted,

J. B. Pierce.

By leave, Mr Sidebottom introduced H. B. No 18. an act to repeal an act Supplementary to an act to provide a uniform System of County and Territorial Revenue -

Read 1st and 2d times and on motion of Mr Anderson, the Rules were suspended, Bill Considered engrossed and 3d time and placed upon its passage -

The Question being - "Shall the Bill pass?" The Ayes and Nays were taken -

Ayes - Messrs Anderson, Baldwin, Campbell, Leonard, Clemens, Culp, Grant, Hunt, Lemmy, McCarty Nelson, Paddock, Pool, Rhett, Shoup, Sidebottom, Stewart, Tuthill White E. R. & White J. W. 21.

Nays - Messrs Moore, Pierce, Robbins, Waldrip and Mr Speaker - 5

So the Bill passed,
Read by title and approved -

H. B. No. 19. An act to repeal an act for the better observance of the Sabbath taken up,

Mr Baldwin in the Chair,

The Bill read 3d time and placed upon its passage - The Question being - "Shall the Bill pass?" The Ayes and Nays were taken

Ayes - Messrs Anderson, Clemens, Hunt, Pierce, Pool, Stewart - 6

Nays - Messrs, Baldwin, Campbell,

Leave; Cleary, Culp, Goats Lemmy, McCarg-
Moon, Nilson, Paddock, Robbins, Rhett,
Shoup, Sidebotham, Guthrie, Waldrip,
White C. B. White J. W. and Mr Speaker
20 -

So the Bill was rejected.

On Motion of Mr Robbins, at 3. P.M. House to a recess until 7 o'clock evening -

Evening Session.

House met pursuant to adjournment.
Speaker in the Chair.
Roll Called - All present except Mr Moon.

Message from the Council.

Council Chamber
Boise City, Dec. 29th, 1874.

Mr Speaker.

I am instructed to inform your honorable body that the Council have passed the following Bills, which are herewith transmitted, and respectfully ask the Concurrence of the House therein;

C. B. No 10, an act to dissolve the bonds of Matrimony between Eliza J. Whittaker and R. J. Whittaker, Adm.
C. B. No 36, an act dissolving the bonds of Matrimony between Minnie McCarty and Jeremiah McCarty.

E. S. Carr
Chief Clerk of Council.

Special Orders.

H. B. No. 19. An act to dissolve the bonds of Matrimony between Mary Lincoln and Samuel Lincoln being Special Order for 7 o'clock. was taken up at that hour

The Question being "Shall the Bill be engrossed and read 3d time?"

On Motion of Mr Stevens Bill be indefinitely postponed.

Mr Lunny moved the previous Question — Motion Carried —

The Question then being to indefinitely postpone the Bill,

The House refused to indefinitely post-pone the Bill,

The Question then being - "Shall the Bill be engrossed and read 3d time?"

It was so ordered and referred to Engrossing Committee.

At 7.45 P.M. House went into Committee of the Whole to Consider H.B. No 25. an act to dissolve the bonds of Matrimony between Lydia Ann Patten and Green C. Patten

Mr Campbell in the Chair.

At 7.45 Committee arose.

Speaker in the Chair.

House Called to order.

Mr Campbell, Chairman of the Committee of the Whole reported progress. and asked that a Committee of three to Consist of Messrs Baldwin, Robbins and Moore to take evidence and inquire into the merits of the Bill under Consideration, be appointed

The report was adopted and Messrs Baldwin, Robbins and Moore appointed as such Committee —

Mr Speaker, having voted with the majority, I give notice that I will, on tomorrow, move a reconsideration of

the vote by which C. B. No 55 was rejected.
Chair.

At 7.50 P.M. Mr Robbins moved to adjourn
Motion lost.

H.B. No. 27, an Act to dissolve the bonds of Matrimony existing between Mathias Davis and Eliza Jane Conroy Davis taken up, and read for information -

Moved by Mr Moon to indefinitely postpone the Bill — Motion lost.

On Motion the Bill was ordered engrossed, read 3d time and referred to Engrossing Committee

Mr Pierce moved, at 7.55, to adjourn.
Motion lost.

C. B. No. 11. to dissolve the bonds of Matrimony existing between R. J. Whittaker and Eliza J. Whittaker taken up and read 1st time

Mr Lane objected to a Second reading of the Bill — The Question being "Shall the Bill be rejected — The Bill was rejected —

C. B. No 36. an act to dissolve the bonds of Matrimony between Minnie McCarty and Jeremiah McCarty was taken up and read 1st time.

Mr McCarty objected to the 2d reading of the Bill — The Question thus being — "Shall the Bill be rejected?"
The Ayes and Nays were called for by Messrs Lenny, Anderson and Cleary -
The Ayes and Nays were taken -
Ayes — Messrs Baldwin, Cain, Clemens, Hunt, Lenny, McCarty, Moon, Paddock, Pierce, Pool, ~~Rhodes~~,

Shoup. Sidebotham, Stewart,
Guthrie. Waldrip. White C. R.
White J. W. Ada Mr Speaker - 18

Nays - Mrs Anderson. Campbell. Blanz
Culp. Grout. Nelson. Robbins
Rhett - 8.

So the Bill was rejected

Moved by Mr Baldwin, at 8 o'clock, to adjourn -

Motion lost -

Mr. Speaker.

I hereby give Notice that on some future day, I will introduce a General Divorce bill -

Anderson

On Motion of Mr Robbins, at 8.05. House adjourned -

E A Stevenson

Speaker House of Representatives

Attest

J. F. Callahan

Chief Clerk

Twenty Fourth Day.

House of Representatives.
Boise City, I. T. Dec. 30th, 1874.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called - All present - except Supts Hunt and Robbins.
Journal of Yesterday read and approved.

Message from the Council.

Council Chamber.
Boise City, Dec. 30th, 1874.

Mr Speaker,

I am instructed to inform your honorable body that the Council have passed the following bills, which are herewith transmitted and respectfully ask the Concurrence of the House thereto;
C. B. No 34, An act regulating Marriages.
Also. C. B. No, 33, as amended relating to District Attorneys for Idaho. Also.
the Council have passed H. B. No 21. An act to encourage the Growth and Culture of forest trees in Idaho Territory

E. J. Carr
Chief Clerk of Council,

Standing Committees.

Committee on Corporations Submitted the following report:

Mr Speaker.

Your Committee to whom was referred H. B. No 26. have had the same under Consideration and beg leave to return the same to the House and recommend its passage

Moore. Chairman.

Committee on Engrossed Bills submitted the following report:

Mr Speaker.

Your Committee on Engrossed Bills have examined and found Correctly engrossed H. B. No 28.

Baldwin
Chairman

Select Committee

Report of Special Committee on the Code.

Mr Speaker.

Your Select Committee to whom was referred H. B. No. 31, have Considered the Same and beg leave to report the Same back with Amendments and recommend its passage — Amend Section 6 by adding Number to of Section, — Amend Section 12 by inserting in line 5 after the word "between" the words "the parties" — Amend Section 13, in line 5 by Striking out the word "require" and insert the word "acquire", all of which is respectfully submitted.

J. B. Pierce
Chairman

Resolutions.

Mr Cleary offered the following Resolution.

Be it Resolved by the House, the Council Concurring, That there be a Standing Committee of three appointed in each House as a Committee on Territorial Laws Library

The Resolution was adopted.

H. B. No 34, An Act regulating Marriages, Read 1st and 2d times and referred to Committee on Code —

Gr B. No. 53. An act Concerning District Attorneys for Idaho. Read 1st. and 2d times and reference to Committee on Code.

Message from the Governor.

Executive Department
Territory of Idaho.
Boise City, Dec. 28th. 1874.

To the House of Representatives.

I have this day approved H. B. No. 11. An act to amend and extend an act entitled an act Concerning hogs found running at-large in Ada County, Also. H. B. No 13. an act to provide for a jailor in the County of Owyhee, Also. H. M. No. 3. in opposition to a division of the Territory of Idaho. and the annexation of a portion thereof to the Territory of Washington. Also. H. M. No 4. in relation to the Nez Perce - Shoshone, Bannock and Sheep Eater Indians. also. H. M. No 7. in reference to the Construction of a Wagon road from the Salmon to the Weiser Valley.

S. W. Bennett
Governor.

Mr Stewart introduced H. B. No. 29. An act to prevent Cruelty to Animals and to protect the Public from the Sale of unwholesome food. Read 1st and 2d time and referred to Judiciary Committee.

General File.

C. B. No 31. an act defining the rights of Husband and wife. taken up and the report of the Committee thereon read —
The Amendments proposed by the Committee were then acted upon —

1st- Amend Section 6, by adding the number of the Section - The Amendment was adopted -

2d Amend Section 12 by inserting, in line 5 after the word "between" the words "the parties" - On Motion the Amendment was adopted -

3d Amend Section 15 in line 5, by Striking out the word "requir" and inserting the word "acquire" -

On Motion the Amendment was adopted - The Bill was then read 3d time and placed upon its passage -

The Question being - "Shall the Bill pass?"

The Ayes and Nays were taken.

Ayes - Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Grout, Hunt, Lunny, McCarty Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Stoup, Sickelbottom, Stewart, Suttice, Waldrip, White C. R. White J. W. and Mr Speaker - 26

Nays - None.

So the Bill passed.

Read by title and approved.

H. B. No 26, an Act to provide for incorporating the Miners Union of Fairview, T. T. taken up and on Motion of Mr Anderson the Rules were Suspended, Bill Considered engrossed, read 3d time and placed upon its passage -

The Question being - "Shall the Bill pass?"

The Ayes and Nays were taken.

Ayes - Messrs Anderson, Baldwin, Campbell Cave, Cleary, Clemens, Culp, Grout, Hunt, Lunny, McCarty Moore, Nelson, Paddock, Pierce,

Pool, Robbins, Rhett, Shoup, Sidebotham, Steward, Suthill Waldrip, White C. R. and White J. W. – 23.

Nays – Mr Speaker – 1

So the Bill passed.
Read by title and approved.

By leave, Mr Anderson, Chairman of the Judiciary Committee submitted the following report:

Mr Speaker,

Your Judiciary Committee to whom was referred C. B. No. 18, an act to provide for the disposal of lands entered in town sites under the Acts of Congress, having considered the same, hereby report the same back and recommend its passage –

Anderson
Chairman

C. B. No. 18, An act to provide for the disposal of lands entered as town sites, taken up and read 3d time and placed upon its passage.

The question being – "Shall the Bill pass?" The Ayes and Nays were taken.

Ayes – Messrs Anderson, Baldwin, Campbell, ~~Cave~~, ~~Cleary~~, Clemens, Culp, Groat, Hunt, Luney, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebotham, Steward, Suthill Waldrip, White C. R. White J. W. and Mr Speaker – 24 –

Nays – Messrs Cave and Cleary – 2 –

So the Bill passed.
Read by title and approved.

On Motion of Mr Pierce, at 11,10 a,m, House took a recess until 2. P,m.

Afternoon Session.

House met pursuant to adjournment, Speaker in the Chair.
Roll Called - All present - except - Mrs Anderson and Hunt.

Message from the Council.

Council Chamber.
December 30th 1874.

Mr Speaker.

I am instructed to inform your honorable body that the Council have had under Consideration and passed;
H. B. No 62. An Act relating to Insurance Companies. Also. H. B. No 48. An act Concerning County Sheriffs. Also. H. B. No 57 An Act Creating the County of Bear Lake and respectfully ask the Concurrence of the House therein. All of which is herewith transmitted.

E. L. Carr
Chief Clerk of Council.

On Motion of Mr Shoup. 50 Copies of H. B. No 22 was ordered printed,

By leave. Mr Culp introduced H. B. No. 30. An Act authorizing the Recorder of Oneyda County to transcribe certain records - Read 1st and 2d time and referred to Oneyda delegation.

Committee on Engrossed Bills submitted the following report,

Mr Speaker,

Your Committee on Engrossed Bills have examined and found correctly engrossed H. B. No. 26.

Baldwin
Chairman.

The Special Committee, Consisting of Ada County Delegation reported as follows:

Mr Speaker.

Your Special Committee to whom was referred H. B. No 25 have had the same under Consideration and beg leave to report the same back and recommend the passage of the same with the following Amendments, Amend Section 2d on 3d line, Strike out the word "three (3)" and insert "two and one half (2½)" also, in lines 4, 5 and 6. Strike out the words "for each day a prisoner or prisoners are confined in the County jail" —

Amend Section 5, on Eighth line Strike out the words "three times" and insert the word "twice" Also, Amend line 14 by Striking out the word "ten" (10)" and inserting the word "fifteen (15)"

Mc Carty
J. H. Padgett
J. B. Pierce
C. Robbins

C. B. No. 48, an act Concerning Sheriffs. Read 1st and 2d times and referred to Committee on Code —

The Special Committee to examine C. B.s Containing the Code reported as follows!

Mr Speaker,

Your Select Committee to whom was referred C. B. No. 3 3 have

examined the same and beg leave to report the same back to the House and recommend its passage with the following Amendments -
Amend Section 6, by inserting after the word "Dollars", all of which is respectfully submitted -

Pierci
Chairman.

S. B. No 53. an act- Concerning District Attorneys, taken up and read for information
Moved by Mr Anderson that- the Clerk of the House be directed to embody in S.B. No. 53. Council Amendments thereto; Motion lost-
On Motion of Mr Linny S.B. No 53, was ordered to be returned to the Council for Concurrence -

H. B. No. 25. an act- fixing the fees and salaries of Certain officers of Ada County taken up and the report of the committee thereon read. The Amendments recommended by the committee being;

1st- Amend Section 2d by Striking out the word "three (3)" in line 3 and inserting "two and one half (2½)" also, in lines 4, 5 and 6 strike out the words, "for each day a prisoner or prisoners are confined in the county jail -

Amend Section 5 in 8th line, Strike out the words "three times" and insert word "twice", also, Amend line 14 by inserting the word "fifteen (15)" -
The question being upon the adoption of the Amendments -
The Amendments were adopted -
The question then being, "Shall the Bill be engrossed and read 2/3 time, It was

do Ordered, and referred to Engrossing Committee

H. B. No. 62, An act relating to Fire Insurance Company's taken up and read 1st and 2d times, and referred to Judiciary Committee —

H. B. No 57 An act- Creating and organizing the County of Bear Lake - Read 1st and 2d times and on motion of Mr Anderson was referred to Committee on Counties and County Boundaries and Ouida County Delegation.

Mr Pierce moved that the Special Committee to whom was referred H. B. No. 12, An act to Aid in the Construction of Telegraph lines in Idaho Territory be instructed to report the Bill back to the House tomorrow morning Motion lost.

On Motion of Mr Anderson, Mr Moon was granted leave of absence until Monday Morning.

On Motion of Mr Pierce, at 3, 5-3 P. M. House adjourned —

E A Stevenson
Speaker House of Representatives

Attest
I. D. Cahalan
Chief Clerk

Twenty Fifth Day.

House of Representatives
Boise City. I. T. Dec 31st, 1874.

House met pursuant to adjournment,
Speaker in the Chair.
Roll Called - All present except Mr.
Robbins.

Messages from the Council.

Council Chamber
Boise City, Dec 31st, 1874

Mr Speaker,

I am instructed to inform your honorable body that the Council have passed the following bills, which are herewith transmitted and respectfully ask the Concurrence of the House thereto:
C. B. No 43 "As amended, an Act relative to Attorneys and Counsellors at Law
Also. C. B. No 61 an Act providing for the Sale of County property in Shoshone, Nez. Perce and Idaho Counties — Also,
C. B. No 63. an Act relating to Common Schools in Shoshone County — Also,
the Council have passed H. B. No 24, an Act to amend and repeal Certain Section of an Act entitled an Act to incorporate the Town of Lewiston — Also, the Council return to your Honorable Body C. B. No. 53. an Act Concerning District Attorneys —

E. J. Carr
Chief Clerk of Council

Notice of Bills.

Mr Speaker,

I hereby give Notice, that at some future day, I will introduce Bill forbidding the Construction of Slaughter houses within a certain distance of all towns and Settlements—

Anderson

Reports of Standing Committees.

Mr Speaker.

Your Committee on Counties and County Boundaries to whom was referred H. B. No 37 An Act— Creating and organizing the County of Bear Lake, have had the same under Consideration and respectfully recommend— ~~this~~ passage—

Cleary — Chairman

Clemens
on behalf of Oneida delegation.

Mr Speaker,

Your Committee on Enrolled Bills have examined and found Correctly enrolled H. B. No 14 and on the 30th day of December inst— presented the same to the Governor for his Approval

Pierce
Chairman

Select Committees,

The Special Committee on the Code Submitted the following report:— Selectmen

Mr Speaker, Your Committee to whom was referred H. B. No 22 have Carefully examined the same and beg

leave to report the same back and recommend its passage.

Respectfully Submitted
Pierce
Chairman

C. B. No 63. An Act relating to Common Schools in Shoshone County. Read 1st 2d time and On Motion of Mr Cleary the Rules were Suspended, Bill read 3d time and placed upon its passage - The Question being, "Shall the Bill pass?" The Ayes and Nays were taken.

Ayes - Messrs Anderson, Campbell, Carr Cleary, Clemens, Culp, Grout, Hines, Lisney, McCarty, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sickbottom, Stewart, Walker White C. R. and White J. W. - 21

Nays Mr Spencer - 1

Absent - Mr Robbins - 1

So the Bill passed
Read by title and approved.

C. B. No 61. An Act providing for the Sale of County property in Nez Perce, Shoshone and Idaho Counties -
Read 1st and 2d times and referred to Delegations from said Counties -

C. B. No 43. An Act relating to Attorneys and Counsellors at Law.
Read 1st and 2d times and referred to Committee on Code -

C. B. No. 53. An Act Concerning District Attorneys for Idaho Territory -
On Motion of Mr Pierce the Bill was

re committed to the Committee on the Code -

C. B. No. 57 an act- Creating and organizing the County of Bear Lake. Read 3d time.

Moved by Mr McCarty to recommit the Bill with instructions to the Committee to amend, by providing for the location of the County Seat by a vote of the Voters of Said County -

Motion lost,

The Question being - "Shall the Bill pass?"

The Ayes and Nays were taken -

Ayes - Mess Anderson, Campbell, Cave Cleary, Clemens, Culp, Groat, Hunt, Lemy, McCarty, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sickbottom, Steward, Waldrip, White C.B., White J. W. and Mr Speaker - 22.

Nays - None

Absent, Mr Robbins - 1

So the Bill passed,
Read by title and approved.

Message from the Council.

Council Chamber,
Boise City, Dec, 31st, 1874 -

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under Consideration and passed;

C. B. No 44

as amended, An act- Concerning Coroners and respectfully ask the Concurrence of the House therein; which is herewith transmitted

E. L. Carr
Chief Clerk of Council

Mr. Anderson introduced H. B. No 31, an Act- Securing liens to Mechanics and others - Read 1st- and 2d times and refered to Committee on Code.

Mr Cave introduced H. B. No 32 an Act- Concerning toll roads in Boise County Read 1st- and 2d times and refered to Committee on Judiciary

Mr. C. R. White introduced H. B. No 33. An Act- for the better protection of Stock to their rightful owners -
Read 1st- and 2d times and refered to Committee on Agriculture -

H. B. No 22. an act- to regulate the Settlement- of the estate of deceased persons.
Read 3d time -
Moved by Mr Anderson, by unanimous Consent to Amend by Striking out the words "three thousand" and inserting the words "fifteen hundred" -
The Amendment- was adopted -
The Question then being -"Shall the Bill pass?"
The Ayes and Nays were taken -
Ayes- Messrs Anderson, Campbell, Cave, Cleary, Clemens, Culp, Groat, Hunt Laney, McCarty, Nilson, Paddock Pierce, Pool, Rhett, Shouse, Sidebottom Stevens, Waldrip, White C. R, White J. W. and Mr Speaker - 22.

Nays - None

Absent- Mr Robbins - 1

So the Bill passed,
Read by title and approved,

On Motion of Mr Lemey, at 11.37. a.m. House took a recess till 2. P.M.

Afternoon Session.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called - All present except Mr Clemens.

Message from the Governor.

Executive Department.
Territory of Idaho.
Boise City, Dec. 31st, 1874.

To the House of Representatives,

I have this day approved H. B. No 14, an Act authorizing the County Commissioners of Idaho County to grant aid in the Construction of a Wagon Road in said County.

T. W. Bennett
Governor.

By leave Special Committee on the Code submitted the following report:

Mr Speaker

Your Select-Committee to whom was referred H. B.s Nos 34 and 36 have examined and carefully compared the same and find them substantially the same as it now stands in the present Laws and beg leave to report the same back and recommend its passage -

Pierce
Chairman

Standing Committees.

The Judiciary Committee Submitted the following report:

Mr Speaker,

Your Committee to whom was referred H. B. No. 29 "An Act to prevent Cruelty to Animals and to protect the public from the sale of unwholesome food", hereby report that they have examined the same and recommend its passage with certain amendments, herewith Submitted.

Anderson
Chairman

Special Committee, Consisting of Orleans Delegation, Submitted the following Report.

Mr Speaker,

Your Special Committee to whom was referred H. B. No 30. have had the same in Consideration and beg leave to report the same back to the House and recommend its passage.

Culp
Pool
Hunt

Committee on Engrossed Bills Submitted the following report:

Mr Speaker,

Your Committee on Engrossed Bills have examined and found Correctly engrossed H. B. Nos 1, & 19.

Baldwin
Chairman,

By Leave. Mr Hunt introduced H. B. No 34. "An Act relating to all games of Chance"
Read 1st and 2d time and refered to Judiciary Committee.

General File.

H. B. No 34 "An Act regulating Marriages"
Read 3d time and passed upon its passage
The Question being - "Shall the Bill pass?"
The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell, Carr, Cleary, Clemens, Culp, Goat, Hunt, Lunny, McCarty, Nelson, Paddock, Pierce, Pool, Robbins, Rhoto, Shoup, Sidlebotham, Stewart, Suthill, Waldrip, White H. R. White J. W. and Mr Speaker. 25

Nays - None

So the Bill passed.
Read by title and approved.

H. B. No 36, "An Act Concerning fraudulent Conveyances and Contracts."
Read 3d time and passed upon its passage.
The Question being - "Shall the Bill pass?"
The Ayes and Nays were taken.
Ayes - Messrs Anderson, Baldwin, Campbell, Carr, Cleary, Clemens, Culp, Goat, Hunt, Lunny, McCarty, Nelson, Paddock, Pierce, Pool, Robbins, Rhoto, Shoup, Sidlebotham, Stewart, Suthill, Waldrip, White H. R. White J. W. and Mr Speaker - 25

So the Bill passed
Read by title and approved.

H.B. No.29. "An act to prevent Cruelty to Animals and to protect the public from unwholesome food. taken up and the report of the Committee read. The following amendments were proposed by the Committee

1st Amend Section 1st by Striking out the words "exceeding one day for every two dollars of such fine and Costs" in lines 13. 14 and 15 and Substituting the words "less than one day nor more than Six Months"

2d Amend Section 2, by Striking out the words "exceeding one day for every two dollars of such fine, including Costs of Suit-"; and Substituting the words "less than one day nor more than six months"-

The Question being - "Shall the Amendments be adopted?"

The Amendments were adopted-

On motion the Bill was ordered engrossed and read 3d time, and referred to Engrossing Committee -

H.B. No 30, "An act authorizing the Records of Cuyahoga County to transcribe Certain records and reported back by the Committee to whom it had been Committed, recommending its passage -

On Motion of Mr Culp, Rules were Suspended, Bill Considered engrossed, read 3d time. and placed upon its passage
The Question being, "Shall the Bill pass?"
The Ayes and Nays were taken.
Ayes - Messrs Anderson, Baldwin Campbell, Cave, Cleary, Clemens, Culp, Frost, Hunt, Linsey, McCarty Nelson, Paddock, Pierce, Pool, Robbins Rhett, Shoup, Sidebottom, Stewart Tuttle, Walrath, White C. R.

~~21~~ White J. W. and Mr Speaker - 25

Nays - None.

So the Bill passed.
Read by title and approved.

H. B. No 19. An act dissolving the bonds of Matrimony existing between Mary Lindsey and Samuel Lindsey - Read 3d time and placed upon its passage.

The question being - "Shall the Bill pass?"
On motion of Mr Anderson, Mr Price was excused from Voting -

The Ayes and Nays being taken.

Ayes - Messrs Anderson, Baldwin, Campbell, Cleary, Clemens, Culp, Groat, Hunt, Nelson, Paddock, Pool, Robbins, Rhoda, Silebotham - 14

Nays - Messrs Cave, Lenny, McCarty, Shoup, Stevens, Tuttle, Waldrip, White C. R, White J. W. and Mr Speaker 10

Not Voting Mr Price 1

So the Bill passed
Read by title and approved.

C. B. No. 1. "An Act to establish a Public School System in Idaho Territory and for the Maintenance of the same", taken up and read 3d time, and placed upon its passage. The Question being. "Shall the Bill pass?" The Ayes and Nays were taken

Ayes - Messrs Anderson, Baldwin Campbell, Cave, Cleary, Culp, Groat, Lenny, McCarty, Nelson, Paddock, Price, Pool, Rhoda, Shoup, Silebotham, Stevens

Luthill, Waldrip, White & R.
White J. W. and Mr Speaker, 22.

Nays - Mayes Clemens and Hunt - 3

Absent - Mr Robbins - 1

So the Bill passed
Read by title and Approved.

Message from the Council.

Council Chamber
Boise City, Dec 31st, 1874

Mr Speaker,

I am instructed to inform your honorable body that the Council have under consideration and passed C. C. R. No 9. relating to an additional Joint Rule and respectfully ask the Concurrence of the House thereto, which is herewith transmitted

E. J. Carr
Chief Clerk of Council

The Judiciary Committee submitted the following report:

Mr Speaker,

Your Judiciary Committee to whom was referred H. B. No 32; "An Act Concerning toll roads in Boise County for the purpose of ascertaining the right of this Legislature to pass any such law, hereby report that in their opinion the Legislature has a right to amend all Charters in respect to the rate of toll, When the right to do the same is reserved in the Charter - That in the Charter or Franchise referred to, there is a provision

that- the County Commissioners being the Creature of the Legislature may be directed in the matter Your Committee recommend that- the said Bills be refered to Boise County delegation,

Anderson
Chairman

H. B. No. 32, "An Act- Concerning toll roads in Boise County, in accordance with the recommendation of the Committee, was refered to Boise County Delegation

On Motion of Mr Anderson, Mr Groat- was granted an indefinite leave of absence.

C. C. R. No 9, being an addition ... to Joint Rules of the two Houses.
The Question "being" with the House adopt the Resolution ?"

The House refuses to adopt the Resolution —

Message from the Council.

Council Chamber
Boise City, Dec, 31st, 1874,

Mr. Speaker,

I am instructed to inform Your honorable body that- the Council have had under Consideration and pass C. B. No 64, "An Act to amend an Act- relating to the various funds of Alturas County, and respectfully ask the Concurrence of the House therein, which is herewith transmitted

E. J. Carr
Chief Clerk of Council

H. B. No 64. "An Act to amend an Act relating to the various funds of Attala County, taken up, read 1st and 2d time and referred to Attala Delegation —

On Motion of Mr Anderson, at 3.45 P. M. House adjourned until Saturday Morning, 10. a. m.

E. H. Stevens
Speaker House of Representatives

Attest

J. D. Cochran
Chief Clerk

Twenty Seventh Day.

House of Representatives.
Boise City. I. T. Jany 20. 1875

House met pursuant to adjournment.
Speaker in the Chair.
Roll Called - All present except Messrs Robbins and Guthrie.
Journal of Yesterday read and approved.

Standing Committees.

Committee on Engrossed Bills submitted the following report:

Mr. Speaker.

Your Committee on Engrossed Bills have examined and found Correctly engrossed House Bills Nos 25, 29 and 30.

Baldwin
Chairman

Select Committees.

The Select Committee Consisting of Alturas delegation submitted the following report:

Mr. Speaker,

Your Special Committee Composed of the Delegation from Alturas County to whom was referred H. B. No 64. To amend an Act relating to the various funds of Alturas County - have examined the same and hereby report the same back and recommend its passage -

R. A. Seidlotherm

T. S. Anderson.

Special Committee Composed of the Delegations from Shoshone, Nez Perce and Idaho Counties submitted the following report;

Mr Speaker,

Your Special Committe Of the Delegation from Nez Perce, Idaho And Shoshone to whom H. B. No 61 was referred, beg leave to report the Bill back and recommend its passage,

Respectfully Submitted

Nelson
Cleary
Waldrip
Rhett

Introduction of Bills.

Mr Campbell in the Chair,

By leave Mr Stevenson introduced H. B. No 35 "An Act to Amend an act entitled An Act Concerning Public Roads and Highways in Boise County"

Read 1st and 2d times And On Motion of Mr Stevenson, the Rules were Suspended, Bill Considered en=grossed, and 3d time and placed upon its passage.

The Question being - "Shall the Bill pass?" The Ayes and Nays were taken,

Ayes - Messrs Anderson, Baldwin Campbell, Cleary, Clemens, Culp, Hunt, Lunny, McCarty Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Siebenthaus, Stevenson, Tuthill, Waldrip, White C. R. White J. W. and the President=23

Nays, Messrs Cave. /

Do the Bill pass.
Read by title and Approved.

H. B. No 35. "An act fixing the fees and Salaries of Certain officers of Ada County taken up. read 3d time and on motion of Mr Anderson was made the Special Order for 2 o'clock P.M. on Monday next.

H. B. No 29. "An Act to prevent Cruelty to Animals and to protect the Public from unwholesome food, read 3d time and placed upon its passage.

The Question. "Shall the Bill pass?"

The Ayes and Nays were called —

Ayes — Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Hunt, Lemmy, McCarty, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sickelbottom, Stewart, Tuthill, Waldrip, White C. R. White J. W. and Mr. Speaker — 24 —

Nays — None.

Do the Bill pass.
Read by title and Approved.

C. B. No. 61, "An act providing for the sale of County property in Shoshone, Nez, Perce, and Latah Counties, taken up, read 3d time, and placed upon its passage.

The Question being — Shall the Bill pass?"

The Ayes and Nays being called —

Ayes — Messrs Anderson, Broom, Campbell, Cleary, Clemens, Culp, Hunt, Lemmy, McCarty, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sickelbottom, Stewart, Tuthill, Waldrip, White C. R, White J. W. and Mr Speaker — 25 —

Nays — None

So the Bill passed &
Read by title and Approved.

H. B. No 64, relating to Certain funds in Alturas County, read 3d time and placed upon its passage —

Moved by Mr Robbins that the Bill be made Special order, for Monday —

Motion lost.

The Question being, "Shall the Bill pass?"
The Ayes and Nays taken,

Ayes — Messrs Anderson, Baldwin, Campbell, Leave, Cleary, Clemins Culp, Hunt, Lyon, McCarty Nelson, Paddock, Pool, Robbins Rhett, Shoup, Sullenbottom, Stevens Tuttle, Walcup, White C. R, White J. W. and Mr Speaker — 23

Nays — Mr Pierce, 1

So the Bill passed.
Read by title and Approved.

By leave, Special Committee on H. B. No 12 "An Act to aid in the Construction of Telegraph lines in Idaho Territory" submitted the following report;

Mr Speaker,

Your Special Committee Composed of Delegates from Boise, Alturas and Ada Counties to whom was refered H. B. No 12, "An Act to aid in the Construction of Telegraph lines in this Territory", have Carefully Considered and Examined the Same and hereby report the same back with the Amendment fixing the rate of tariff to be Charged, and when so Amended recommend

recommend the passage of the Bill —

Wm. G. Lucy.
Chairman

Mr McCarty on the part of the Minority of the Senate committee submitted the following report:

Mr Speaker,

We the undersigned a Minority of Your Special Committee having had under Consideration H. B. No 12 relating to the granting of aid in building a Telegraph line from Silver City to Boise City, Idaho City, Placerville and Rocky Bar- Would most respectfully report the same back to the House and recommend the Bill be indefinitely postponed —

We are unable to find any argument in favor of taxing the people for the sole benefit of a few or in other words granting aid nearly if not quite sufficient to build the line and hand it over to a private Company We are unable to see Wherein an Organization of large Capital asking a Subsidy would not apply equally to lesser enterprises, the Boaters of the Payette River brought into the Basin or the Red Rock Flume would be of far greater benefit to this Territory than forty Telegraph lines, We object to the passage of the Bill because ~~we object to the passage~~ it is wrong in principal bad in practice and establishes a dangerous precedent —

Respectfully Submitted

McCarty
Prince
Paddock
J. Lane

H. B. No. 12, "An act to aid in the Construction of Telegraph lines in Idaho Territory" taken up, on the amendments thereto as proposed by the Committee read.

Amend by adding the following to be numbered Section 12 and Number Section 12 as Section 13.

Section 12. Be it hereby made unlawful, and the said company and its assigns are prohibited from Charging for the transmission of Messages any larger or greater rates or tariff than the following;

From Boise to San Francisco, for the first-ten words — — — — $2.50
Each additional five words — — — .75
To Winnemucca, for first-ten words — 1.75
Each additional five words — — .75
To Silver City, each 10 words — — .75
Each additional five words — — .25
Idaho City to San Francisco for first-ten words — — — — 2.75
Each additional five words — — .75
To Winnemucca, for first-ten words — 2.00
Each additional five words — — .75
To Silver City, for first-ten words — 1.00
Each additional five words — — .25
To Boise City for first-ten words — — .75
Each additional five words — — .25
From Placerville to Quartzburg, the same rates, as from Idaho City,
Rocky Bar to San Francisco, first-ten words — — — 3.00
Each additional five words — 1.00
To Winnemucca, first-ten words — — 2.25
Each additional five words — — .75
To Silver City, for first-ten words 1.25
Each additional five words — — .50

To Boise City. for first- ten words - - - $1.00
Each additional five words - - - - .25
To Idaho City. for first- ten words - - - .75
Each additional five words - - - .25
and the same rates for return
Messages to said places.

The question being "Shall the amendment be adopted?". The Amendment was adopted.

Mr. Campbell offered the following amendment-

Strike out Section 11. and insert- the following
The Territory shall have the power at any time
And as often as may be deemed desirable, to fix a
tariff of Charges to be used by the Nevada and
Northern Telegraph Company or their assigns, for the
transmission of dispatches on their lines, which
have been constructed by assistance from the Territory
and in no instance, shall they be entitled to Charge
or Collect- any more than is designated in Said
tariff: And all dispatches of an Official Character
on the business of the Territory of Idaho, or any County
of the same, including those of Executive Officers
in pursuit- of Criminals, shall be transmitted free
of Charge on the lines of said Company in Idaho
Territory, and the said Company shall have an
Office and telegraph operator, in Boise City, Idaho
City, Placerville or Quartzburg and in Rocky Bar,
from and after the completion of the lines to
said points respectively.

Campbell.

The Question being "Shall the Amendments be adopted?" The Amendment was adopted.

The Question then being - "Shall the Bill be engrossed and read 3d. time
The Ayes and Nays were Called for by Messrs Pierce, Shoup and McCarty,

The Ayes and Nays were taken.....
Ayes - Messrs Anderson, Baldwin, Campbell, Cleary, Clemens, Hunt, Lenny, Rhett, Sidebotham, Stevens White C. R. White J. W. and Mr Speaker 13.

Nays - Messrs Cave, Culp, McCarty, Nelson Paddock, Pierce, Pool, Robbins, Shoup, Luthill, Waldrip - 11

So the Bill was ordered Engrossed and read 3d time -

By leave, Special Committee on the Code submitted the following report:
Mr Speaker.

Your Special Committee on the Code to whom was referred C. B. No 44 "An Act- Concerning Coroners. beg leave to report- that- we have carefully examined the same, finding it, with few exceptions, a Copy of our present- law, and upon due Consideration would report- the Bill back, respectfully recommending the passage of the same,

Pierce
Chairman

C. B. No 44, "An Act- Concerning Coroners, taken up and read 3d time and placed upon its passage -
The Question being - "Shall the Bill pass?
The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell Cave, Cleary, Clemens, Culp, Hunt- Lenny, McCarty, Nelson, Paddock Pierce, Pool, Robbins, Rhett, Shoup, Sidebotham, Stevens, Luthill Waldrip, White C. R. White J. W. and Mr Speaker - 24-

Nays - None.

So the Bill passed.

Mr Shoup offered the following amendment to the title of the Bill.

Amend Title by adding the words, "and Constables" to the title to read "An act Concerning Coroners and Constables" -

The amendment was adopted and title as amended approved.

On Motion, at 11.30 a.m. House adjourned until 2 P.M.

Afternoon Session.

House met pursuant to adjournment - Speaker in the Chair.

Roll Call - All present except Mr Rhett.

On Motion of Mr Price, at 2.01 House adjourned until 10 o'clock Monday Morning.

E A Stevens
Speaker House of Representatives

Attest, T. Callahan
Chief Clerk

Seventy Ninth Day.

House of Representatives
Boise City, I. T. January 4th, 1875

House met pursuant to Adjournment
Speaker in the Chair.
Roll-call-All present-except Messrs
Anderson, Lauer, Lemmy, and Rhett.
Journal of Saturday read and approved

Message from the Council.

Council Chamber
Boise City, January 4th 1875.

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under Consideration and passed C. C. R. No 16. relative to the distribution of Arms now in the hands of the Territory Also. the Council have had under Consideration H. B. No 9, "An Act relating to Enclosures and return the same with the enacting Clause Stricken out.

All of which is herewith transmitted

E. P. Carr
Chief Clerk of Council

Council Chamber
Boise City, January 4th, 1875.

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under Consideration and Concurred in House Amendments to Council Bill No 31, "An Act defining the rights of Husband and wife"

also, have Concurred in House amendments to C. B. No 44, "an act- Concerning Coroners.
Also, the Council have concurred in House amendments to C. B. No 22, "an act- to regulate the Settlement of the estate of deceased persons,
also, have passed H. B. No 19. "an act- to divorce Mary E. Lindner and Samuel Lindner - also

E. L. Carr
Chief Clerk of Council.

Council Chamber.
Boise City, Jany 4th 1874

Mr Speaker,

I am instructed to inform your honorable body that the Council have passed the following bills, which are herewith transmitted and respectfully ask the Concurrence of the House therein;

C. B. No 41. as amended, "An act- Concerning Chattle Mortgages", also, C. B. No 42, "An act- Concerning the writ of Habeas Corpus, Also, C. B. No 32, as amended, "An act- to exempt the Homestead and other property from forced Sale in Certain Cases, Also, C. B. No 20, "An act- to define the Boundaries of Idaho County, Also, C. B. No 40 "An act- to disolve the bonds of Matrimony between Ernestine Schnable and Julius Schnable and to Change her name

E. L. Carr
Chief Clerk of Council

Petitions.

Mr Hunt presented a petition from the citizens of Lemhi, Owyhee County praying for the passage of the Bill now before the 8th Session of the Idaho Legislature.

granting aid to the N. N. I. Co.

Also. One from the citizens of Empire Side War Eagle Mountain praying for the same

Also. One from the citizens of Silver City praying for the same.

Referred to Ouray Del egation.

Standing Committees.

The Judiciary Committee. Submitted the following report:

Mr Speaker.

Your Judiciary Committee to whom was referred H. B. No 62, "An Act to exempt fire Insurance Companies, their agents or agents from the provisions of an act relating to Insurance Companies, have examined the Same and hereby report the same back and recommend its passage.

Anderson
Chairman

Committee on Enrolled Bills Submitted the following report:

Your Committee on Enrolled Bills have examined and found Correctly enrolled House Bill No 21 and on the 2d inst; at 10 o'Clock a. m. presented the same to the Governor for his approval.

Pierce
Chairman

Committee on Agriculture Submitted the following report:

Mr Speaker,

Your Committee

to whom was refered H. B. No 55. "An act for the better protection of Stock to their rightful owners" have had the same under consideration and beg leave to report it back to the House and recommend its passage.

C. R. White
Chairman.

Select Committee.

Special Committee on the Code submitted the following report:

Mr Speaker.

Your Select Committee on the Code to whom was refered C. B. No 45 have Carefully examined and Carefully Compared the same with our present Laws on the same subject and Substantially with very Slight Amendments to the same and would therefor respectfully recommend its passage.

Pierce
Chairman.

Motions and Resolutions.

Mr Stevenson introduced H. C. R. No 6, "Asking an Appropriation by Congress for the printing the laws of Idaho." Read 1st and 2d times. And on Motion of Mr Shoup, the Rules were suspended. Resolution Considered engrossed, read 3d time and placed upon its passage.

The Question being - "Shall the Resolution pass?" The Ayes and Nays were Called -

Ayes - Messrs Anderson, Baldwin, Campbell, Cleary, Clemens, Culp, Hunt, McCarty, Moore, Nilson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Stevenson, Waldrip, White C. R, White J. W. and Mr Speaker - 21 —

Nays - None

Absent - Mssrs Leave, Lemmy, Sickels thum - 5 -
So the Resolution passed -
Read by title and approved.

By leave, Mr Baldwin introduced H. B. No 36, "An act to Amend an act relating to Elections" - Read 1st and 2d time and referred to Committee on Elections -

By leave, Mr McCarty introduced H. B. No 37, "An act to prevent frauds at elections" - Read 1st and 2d time and refered to Committee on Elections.

Mr Pierce arose to a question of privilege and proceded to explain his action on Saturday, and further Stated to the House, that he, with other gentlemen on this floor had been misrepresented, and asked that a Committee of five be appointed to examine and take testimony in the case,

On motion, in accordance therewith, a Committee of five, Consisting of the following named gentlemen was appointed, Mssrs Shoup, Anderson, Steward, Nelson and Solomon.

On Motion of Mr McCarty, the Engross Committee was instructed to report H. B. No 12, back to the House at 2 o'clock P. M.

S. B. No 20, "an act to define the boundaries of Idaho County - Read 1st and 3d time
Mr Rhett offered the following Amendment
Amend Section 5, by Striking out after the words - "polling the highest number of votes at the last general election", and inserting "Washington, Shoshone, Mount-Idaho"
The Amendment was adopted -

Bill as amended referred to Delegations from Nez Perce and Idaho Counties,

H. C. R. No 10. relating to the distribution of Territorial Arms.

Refered to Committee on Military and Indian Affairs —

H. B. No, 38. "an act to exempt Homestead, and other property from forced sale, in certain Cases. Read 1st and 2d time and refered to Committee on Code —

H, B, No 65 "an act to dissolve the bonds of Matrimony now existing between Ernestine Schnable and Julius Schnable —

Read 1st and 2d Time and refered to Committee on Mails and Mail Facilities —

H. B, No 62 "an act relating to fire Insurance Companies, taken up, and read 3d time, and placed upon its passage —

The Question being "Shall the Bill pass?"
The Ayes and Nays were taken

Ayes - Messrs Anderson, Baldwin, Campbell Cleary, Clemens, Culp, Hunt, McCurdy Moore, Nelson, Paddock, Pool, Shoup, Sickelbottom, Steward, Tuthill, Waldsmith White C. R. White J. W. and Mr Speaker — 20,

Nays Messrs Price, Robbins, Rhett. — 3

Absent — Messrs Love, Lemey, 2,

So the Bill passed
Read by title and approved.

H. B. No 33. "An act for the better protection of Stock to their owners."

The Question being - "Shall the Bill be ordered engrossed and read 3d time, It was so ordered -

H. B. No 43. "An act relative to Attorneys and Counsellors at Law", Read 3d Time and placed upon its passage -

The Question being - "Shall the Bill pass?

The Ayes and Nays were taken.

Ayes - Messrs Anderson, Baldwin, Campbell, Cleeny, Clemens, Culp, Hunt, McCarty, Nelson, Paddock, Pierce, Pool, Rhett, Stroup, Sidebotham, Steward, Tathill, Waldrip, White L. R., White J. W. and Mr Speaker - 21

Nays - Messrs Moore, Robbins, - 2

Absent - Messrs Leave and Lenny - 2

So the Bill passed.
Read by title and approved.

On Motion of Mr Campbell, at 11.50 A.M. House adjourned till 2 P.M.

Afternoon Session.

House met pursuant to adjournment.
Speaker in the Chair.
Roll Called - All present - except Messrs Campbell, Robbins and Rhett.

Message from the Council.

Council Chamber.
Boise City, Jany 4th, 1875.

Mr Speaker.

I am instructed to inform your honorable body that the Council have passed the following bills which are herewith transmitted, and respectfully ask the Concurrence of the House thereto:

C. B. No 37. "An act to protect Certain game in Idaho Territory"
Also. C. B. No 33. "An act Concerning Commissioners of deeds" Also,
C. B. No 24 "An act to prevent Officers from dealing in Certain Securities." Also
C. B. No 35. "An act Concerning Guardians", Also
C. B. No 29. "An act to provide for the formation of partnerships"

E. J. Curr
Chief Clerk Council

Council Chamber
Boise City, Jany 4th, 1875.

Mr Speaker,

I am instructed to inform your honorable body that the Council have passed the following bills which are herewith transmitted and respectfully ask the Concurrence of the House thereto:

C. B. No 40, as amended, "An Act-Concerning County Treasurers"-

Also, C. B. No 37, "An Act- relative to Bills of Exchange and Promissory Notes", Also, C. B. No. 35. "An Act- relating to Bonds, Due Bills &c".

Also, C. B. No 43. "An Act- Concerning Conveyances"

Also, C. B. No 47. "An Act- relative to Money of Account- and Interest"-

Also, C. B. No. 45. "An Act- Adopting the Common Law of England"

E. J. Carr
Chief Clerk of Council

Council Chamber
Boise City, Jany. 4th, 1875.

Mr Speaker,

I am instructed to inform Your honorable body that- the Council have had under Consideration and passed the following Bills which are herewith transmitted H. B. No 28 "An Act- to repeal an Act- Supplementary to an Act- entitled an Act- to provide a Uniform System of Territorial and County Revenue and for the Assessing and Collecting the Same-

Also, H. B. No. 29 "An Act- to prevent Cruelty to Animals and to protect the Public from the Sale of unwholesome food- Also,

C. B. No 3. "An Act- relating to the issuing of New bonds to be interchangable for the old bonds issued Jany 12th, 1866 & Jany 14th, 1867-

Also, C. C. R. No 7 relating to the Journals and respectfully ask the Concurrence of the House therein, Also, the Council have

Concurrence in H. B. No 5, over Messrs Scott, Martin and Gooding appointed as Committee —

H. B. No 25 "An act fixing the fees and Salaries of Certain Officers of Ada County, being Special Order for 2 o'clock was taken up at that hour. On Motion of Mr Clemens the Bill was referred to Committee on Ways and Means.

On Motion of Mr Anderson, the Committee was instructed to report the Bill back to the House Wednesday Morning —

Select Committee on H. B. No 20 reported as follows;

Mr Speaker,

Your Committee to whom was referred H. B. No 20 "an act to define the boundaries of Idaho County, beg leave to report the same back to the House and recommend its passage

Rhett
Cleary

Mr Waldrip submitted the following Minority report from the same Committee,

Mr Speaker,

On behalf of the Nez Perce delegation to whom was referred H. B. No 20, The undersigned would beg leave to report; That having examined said Bill find that while Idaho County receives $ 2 3 3, 0 0 0 of taxable property from Nez Perce County, Our County receives no just Compensation for the same, besides a large majority of our people are opposed to division in any shape, for we see nothing but a largely increased taxation before us, which will be the means of driving many persons out of our County that have already located there and will deprive us of

receiving any addition to our population by immigration or otherwise, Wherefore we respectfully ask that this Bill do not pass.

J. S. Waldrip

Committee on Engrossed Bills submitted the following report:

Mr Speaker.

Your committee on Engrossed Bills have examined and found correctly engrossed H. B.s Nos 12 & 33

Baldwin

Chairman.

On Motion of Mr Anderson H. B. No 12 "An act to aid in the Construction of Telegraph lines was made the Special Order. Wednesday evening at 7 o'clock

General File.

H. B. No 3, in relation to Territorial Bonds" taken up and read 1st and 2d times and On Motion of Mr Anderson was referred to Committee of the Whole and made Special order for Tuesday at 2 P. M.

H. C. R. No 11. relating to Journals taken up and adopted.

The Speaker announced the House Members of the Joint Committee to examine the Territorial Law Library,

Committee,

Messrs

Cleary, Stroup and Scidebotham.

H. B. No 33, "An Act for the better protection of Stock to their owners" Read 3d time and placed upon its passage -

The question being - "Shall the Bill pass?" The Ayes and Nays were taken Ayes - Mssrs Anderson, Baldwin, Campbell, Case, Cleary, Clemens, Culp, Hunt, Luney, McCarty, Moon, Nelson, Paddock Pierce, Pool, Robbins, Rhett, Shoup, Sidebotham, Suthlie, Waldrip, White C. R. White J. W. and Mr Speaker - 25 -

Nays - None

So the Bill passed,

Read by title and approved,

C. B. No 20 "An act to define the boundaries of Idaho County taken up.

Mr Pierce offered an Amendment,

The Question being on the adoption of the Amendment,

Mr Pierce moved to refer the Bill to Committee of the Whole and make it Special order for 7 o'clock Thursday evening

The Motion was lost,

On motion of Mr Anderson the Bill was referred to Committee of the Whole and made the Special order for 7 o'clock this evening -

H. B. No 27, "An act to protect certain game in Idaho Territory. Read 1st and 2d times and referred to Special Committee on Code,

C. B. No 33, "An Act - Concerning Commissioners Of Deeds, Read 1st and 2d times and referred to Committee on Code,

C. B. No 49. "An Act - for the protection of Fish" Read 1st and 2d times and referred to Code Com.

Moved by Mr Lewis, that the members of the Committee on the Revenue Law be excused from attending the Session this evening.

The Motion was lost.

H. B. No 37. "An Act relative to Bills of Exchange and Promissory Notes" Read 1st and 2d time and referred to Code Committee

Mr Baldwin, Chairman of Engrossing Committee reported H. B. No 6 Correctly engrossed.

H. B. No 33. "An Act Concerning Guardians" Read 1st and 2d time and referred to Code Committee

H. B. No 29, "An Act to provide for the formation of Partnerships" Read 1st and 2d time and referred to Code Committee

Message from the Governor.

Executive Department
Territory of Idaho.
Boise City, Jany 4th, 1875.

To the House of Representatives

I have this day approved H. B. No 21, An Act to encourage the Growth and Culture of forest trees in Idaho Territory

T. W. Bennett
Governor.

C. B. No 24, "An Act to suspend Officers from dealing in certain securities -
Read 1st and 2d times and referred to the Committee on the Code

C. B. No 40. "An Act Concerning County Treasurers,
Read 1st and 2d times and referred to Committee on Code -

C. B. No. 25, "An Act relating to Bonds & due Bills &c
Read 1st and 2d times and referred to Committee on Code

C. B. No 47. "An Act Concerning Conveyancing
Read 1st and 2d times and referred to the Committee on Code -

C. B. No 46. "An Act relative to Money of account and interest -
Read 1st and 2d times and referred to the Committee on Code -

C. B. No 45. "An Act adopting the Common Law of England
Read 1st and 2d times and on Motion of Mr Anderson, the Bill was read 3d time and placed upon its passage
The Question being - Shall the Bill pass?
The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell, Chase, Cleary, Coleman, Culp, Hunt, Lamy, McCurdy, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Stroup, Sickelbottom, Stewart, Tuthill, Waldrip White C. R. White J. W. and Mr Speaker - 25

Nays - None -
So the Bill passed
Read by title and approved -

On Motion of C. B. White, at 3.15 P. M.
House adjourned until 7 o'clock P. M.

Evening Session.

House met pursuant to adjournment,
Speaker in the Chair
Roll Called, All present except Messrs.
Anderson, Baldwin, Moon, and Rhett.

By leave, Mr Pierce introduced Notice
that he would in five days introduce a
Bill to tax Shares of National and
other Banks.

The Special Committee on the Code
submitted the following report:

Mr Speaker, Select
Your Committee on the Code
to whom were referred C. B.s Nos 24, 25, 27, 29,
33, 35, 37, 40, 46, 47 and 49 have examined
and Carefully Compared the Same and find
them substantially the same as the present
laws on the Statutes that are now in force
on the various subjects thereon, and beg
leave to report the same back to the House
and recommend their passage.
Respectfully Submitted
J. B. Pierce
Chairman

Special Order,

C. B. No. 20, "An act to define the boundaries
of Idaho County and for other purposes,
being the Special Order for 7 o'clock P. M.

taken up

Mr Cleary moved a Call of the House
A Call of the House was ordered,
Roll called, all present except Mr Baldwin
Mr Baldwin appearing at the Bar of the House
On motion of Mr Anderson, a further Call of the
House was dispensed with.

At 7.10 P.M. House went into Committee of the
Whole to Consider S. B. No 20 "An Act defining
the boundaries of Idaho County"

Mr Lemp in the Chair.

At 7.45 P.M. Committee arose,

Speaker in the Chair.
House called to order.

Mr Lemp, Chairman of the Committee reported
that the Committee had had under Consideration
H. B. No 20 and had made progress -
The report was adopted -
The Bill was then read 3d time and placed
upon its passage -
The question being - "Shall the Bill pass?"
The Ayes and Nays were taken,
Ayes - Mssrs Anderson, Baldwin, Campbell
Cleary, Culp, Hunt, Lemp, McCarty
Pool, Rhett, Sidebotham, Stewart,
White S. R. J. W. White and Mr Speaker - 15

Nays - Mssrs Cave, Clemens, Moore, Nelson,
Paddock, Pierce, Robbins, Shoup,
Guthrie and Waldron - 10

So the Bill passed
Read by title and approved -

Mr Waldrip of Nez Perce County offered the following protest

Mr Speaker,

The undersigned Sole representation from Nez Perce County on this floor begs leave to Spread on the Journal this last Protest against the passage of S. B. No 20, Now by your vote have seen fit to regulate the Affairs of Nez Perce County against the well known wishes of a Majority of the people of Said County, You have admitted to your House the Member of the Council from Nez Perce County while I had no Showing whatever in his House, his Measure passing without opposition

I leave the matter to a just Verdict of an outraged people

Respectfully Submitted

J. S. Waldrip

Committee on Military Affairs Submitted the following report:

Mr Speaker,

Your committee on Military and Indian Affairs to whom was referred S. B. No 10 Relating to the distribution of Arms have had the same under Consideration and beg leave to report the Resolution back and recommend its passage with Amendments herewith Submitted

Skoup

The Amendment proposed by the Committee was adopted ...

On Motion of Mr Baldwin. at 8.15. P. M.
House adjourned —

E. A. Stevens
Speaker House of Representatives

Attest

J. D. Cahalan
Chief Clerk

Thirtieth Day.

House of Representatives.
Boise City, I. T. Jany 5th, 1875.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called - All present.
Journal of yesterday read and approved.

Notice of Bills.

Mr Speaker,

I hereby give Notice that I will, at an early day, introduce a Bill prohibiting the sale of intoxicating drinks on Election day

Baldwin

Mr Speaker,

I hereby give Notice that within three days I will introduce a Bill for the purpose of extending the time for the Collecting of taxes and the time when property shall become delinquent in Ada County.

R. A. Sidebottom

Mr Speaker,

I give Notice that after five days I will introduce a Bill to enact a General Sunday Law for the Territory of Idaho.

Clemens.

Reports of Standing Committees.

Mr Speaker,

A majority of your committee on Mail and Mail Facilities to whom was referred H. B. No. 65. have had the Same

under Consideration and beg leave to report the same back and recommend its passage -

Clemens
Chairman

Mr Speaker,

A Minority of the Committee on Mail and Mail Facilities to whom was referred H. R. No. 65. "An act to dissolve the bonds of matrimony now existing between Julius Schnable and Ernestine Schnable beg leave to report as follows; That the same be referred to the District Court where the matter may be heard and disposed in a legal manner and would further recommend that all other persons seeking like relief of this body be referred to the same tribunal.

Respectfully Submitted,

Cave,

Motions and Resolutions.

Mr Speaker.

I move That the Committee of Five appointed by the House yesterday, to investigate the Misrepresentations of Mr Pierce and other Gentlemen of the House be empowered to send for witnesses, that they be further empowered to investigate and report upon all matters pertaining to Corruptionists employed by opponents of the Telegraph Bill to defeat that Thurman and that Platte Burr be admitted as our Attorney before said Committee,

S Clement

On Motion the resolution was adopted,

By leave, Mr Robbins introduced H.B. No 38. "An Act to prevent foreigns from Cutting timber on the Publick Lands in Idaho.
Read 1st and 2d time and referred to the Committee on Territorial Affairs.

By leave, Mr. C. R. White introduced H. B. No 39 "An Act to dissolve the bonds of Matrimony now existing between Catharine Moon and Daniel Moon
Read 1st time — Mr Leahy Objected to the 2d reading of the Bill —
The Question being "Shall the Bill be rejected?"
The House refused to reject the Bill

Mr Sidebotham. introduced H. B. No 40, "An Act regulating fees and Salaries of Certain Officers of Alturas County
Read 1st and 2d times and referred to Alturas delegation

H. B. No 39. "An Act to dissolve the bonds of Matrimony between Catharine Moon and Daniel Moon. Read 2d time,
Mr McCarty offered an Amendment,
Mr Cleary moved to lay the Amendment on the table — Carried —

C. B. No. 65, "An Act to dissolve the bonds of Matrimony now existing between Ernestine Schnabb and Julius Schnabb
Read 3d time and passed upon its passage
The Question being — "Shall the Bill pass?"
The Ayes and Nays were taken —.
Ayes, Messrs Anderson, Baldwin, Cleary, Clemens, Culp, McCarty Nelson, Pierce, Robbins, Rhett, Steward, Luthill, Waldrip, White C. R. and White J. W. — 15

Nays – Messrs Campbell, Cave, Hunt, Lemay, Moore, Paddock, Pool, Shoup, Sidebottom and Mr Speaker. 10.

So the Bill passed.
Read by title and approved.

Mr Cleary moved to take H. B. No 39. from the table –

The Ayes and Nays were called for by Mr Lemay. Cave and Steward –

The Ayes and Nays were taken –

Ayes – Messrs Anderson, Campbell, Cleary, Clemens, Culp, Hunt, McCarty, Nelson Pierce, Rhett, Steward, Guthrie, Waldrip White C. R. and White J. W. 15 –

Nays – Messrs Baldwin, Cave, Lemay, Moore Paddock, Pool, Robbins, Shoup, Sidebottom and Mr Speaker – 10 –

So the Bill was taken up.

Mr Cleary moved to appoint a Committee of three to investigate the Case.

Motion lost.

The Bill, with amendment, was referred to Committee on Education.

H. B. No 24, "An act to prevent officers from dealing in Certain Securities –

Read 3d time and placed upon its passage

The Question being – "Shall the Bill pass?

The Ayes and Nays were taken.

Ayes – Messrs Anderson, Baldwin, Campbell Cleary, Clemens, Culp, Hunt, Lemay McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup Sidebottom Steward, Guthrie, Waldrip

White C. R. White J. W. and Mr Speaker – 24

Nays – Mr. Dean – 1

So the Bill passed.
Read by title and approved.

C. B. No. 25, "an act relating to Bonds, Promissory Notes &c.

Read 3d time and placed upon its passage.

The Question being "Shall the Bill pass?" The Ayes and Nays were taken,

Ayes – Messrs Anderson, Baldwin, Campbell, Cleary, Clemens, Culp, Hunt, Lanny, McCarty, Moore, Nelson, Paddock Pierce, Pool, Rhett, Shoup, Sidbotham Steward, Tuthill, Waldrip, White C. R, White J. W. and Mr Speaker – 23.

Nays – Mr Dean – 1

Absent – Mr Robbins – 1

So the Bill passed
Read by title and approved.

C. B. No 27 "An Act to protect certain game in Idaho"

Read 3d time and placed upon its passage
Ayes and Nays were taken –

Ayes – Mrs. Anderson, Baldwin, Campbell, Dean, Cleary, Clemens Culp, Hunt, Lanny, McCarty, Moore, Nelson Paddock, Pierce, Pool, Rhett, Shoup, Sidbotham Steward, Tuthill, Waldrip, White C. R. White J. W. and Mr Speaker – 24.

Nays - None

Absent - Mr Robbins,

So the Bills passed.
Read by title and approved,

S. B. No 29. "An act to provide for the formation of partnerships,

Read 3d time and placed upon its passage.

The Question being - "Shall the Bill pass?" The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell, Dow, Cleary, Clemens, Culp, Hunt, Linsley, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sidebotham, Stevens, Guthrie, Waldsip, White S. R. White J. W. and Mr Speaker, 24 -

Nays - None.

So the Bill passed.
Read by title and approved.

S. B. No 33, "An act Concerning Commissioners of Deeds"

Read 3d time and placed upon its passage

The Question being - "Shall the Bill pass?" The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell, Cleary, Clemens, Culp, Hunt, Linsley, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sidebotham, Stevens, Guthrie, Waldsip, White S. R, J. W. White and Mr Speaker - 24 -

Nays - Mr Lane - 1

So the Bill passed
Read by title and approved.

S. B. No 35, "An act Concerning Guardians"
Read 3d time and placed upon its passage.
The question being - "Shall the Bill pass?
The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell,
Cleary, Clemmons, Coulp, Hunt, Lunny,
McCarty, Moore, Nelson, Paddock,
Pierce, Pool, Rhett, Shoup, Sidebotham
Steward, Guthrie, Waldrip, White S. R,
White J. W. and Mr Speaker - 24.

Nays - Mr Lane - 1

So the Bill passed
Read by title and approved.

S. B. No 40 "An Act Concerning County Treasurers.
Read 3d time and placed upon its passage,
The Ayes and Nays were taken
Ayes - Messrs Anderson, Baldwin, Campbell
Lane, Cleary, Clemmons, Coulp, Hunt,
Lunny, McCarty, Moore, Nelson,
Paddock, Pierce, Pool, Rhett, Shoup
Sidebotham, Steward, Guthrie, Waldrip
White S. R. White J. W. and Mr Speaker
24.

Nays - None.

So the Bill passed,
Read by title and approved -

S. B. No 37, "An act relative to Bills of
Exchange, Promissory Notes &c"
Read 3d time and placed upon its passage
The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell
Lane, Cleary, Clemmons, Coulp, Hunt,
Lunny, McCarty, Moore, Nelson,
Paddock, Pierce, Pool, Rhett, Shoup,
Sidebotham, Steward, Guthrie, White S.R

White J. W. and Mr Speaker - 24 -

Nays - None

So the Bill passed

Read by title and approved.

C. B. No 46. "An act relative to usury of account and interest"

Read 3d time and placed upon its passage.

The Question being - "Shall the Bill pass?"

The Ayes and Nays were taken.

Ayes - Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Hunt, Linney, McCurdy, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sidebotham, Steward, Suthill, Waldrip, White C. R. White J. W. and Mr Speaker - 24 -

Nays - None.

So the Bill passed.

Read by title and approved.

C. B. No. 47. "An act Concerning Conveyance"

Read 3d time and placed upon its passage.

The Question being - "Shall the Bill pass?"

The Ayes and Nays were taken.

Ayes - Messrs. Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Hunt, Linney, McCurdy, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sidebotham, Steward, Suthill, Waldrip, White C. R. White J. W. and Mr Speaker - 24.

Nays - None,

So the Bill passed.

Read by title and approved.

Co. B. No 49. "An act for the protection of fish"

Read 3d time and placed upon its passage -

The Question being - Shall the Bill pass? The Ayes and Nays were taken - Ayes - Messrs Anderson, Baldwin, Clemens, Campbell, Lane, Leahy, Culp, Hunter, Lunny, McCarty, Moon, Nelson, Paddock, Pierce, Pool, Rhett, Stroup, Sidebottom, Stewart, Guthrie, Waldrip, White C. R., White J. W. and Mr Speaker - 24

Nays - None.

So the Bill passed

Read by title and approved.

On Motion of Mr Clemens, at 11.30 a.m., House adjourned until 2. P.m.

Afternoon Session.

House met pursuant to adjournment.
Speaker in the Chair.
Roll Called - All present - except Messrs Anderson, Nelson, Pierce, Robbins, Shoup and Steward.

Message from the Council.

Council Chamber
Boise City, Jany 5th 1875.

Mr. Speaker,

I am instructed to inform your honorable body that the Council have passed the following bills, which are herewith transmitted and respectfully ask the concurrence of the House therein:

C. B. No 71, "An act to Change the name of Carl Johan Brecan Sker to Charles Wilson." Also

C. B. No 72. "An act to dissolve the bonds of Matrimony between J. C. Baldwin and Sarah A. Baldwin." Also. C. B. No 26, as amended. "An act Concerning Roads, Highways, Trails &c" Also. C. B. No 33 "An act Concerning Crimes and punishments," Also.

C. B. No 39 as Amended. "An act Concerning Corporations"

E. J. Carr
Chief Clerk Council

Council Chamber
Boise City, Jany 5th 1875

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under Consideration and pass-

the following bills, which are herewith transmitted, H. B. No 35 "An Act to Amend An Act entitled an Act Concerning Roads and Highways in Boise County.

Also, H. B. No 4 "An Act to Apportion the Members of the Legislature of Idaho Territory with an Amendment thereto.

Also the Council have Concurred in H. B. R. No 6 relating to an appropriation for printing Laws.

E. J. Carr
Chief Clerk of Council

Special Order.

H. B. No 3 "An Act relating to the issuing of New Territorial Bonds &c" being Special Order for 2 o'clock was taken up.

At 2 o'clock P. M. House went into Committee of the Whole to Consider H. B. No. 3,

Mr Campbell in the Chair,

Committee arose at 2.30 P. M.

Speaker in the Chair,

House Called to order,

Mr Campbell, Chairman of the Committee reported, that the Committee had had under Consideration H. B. No 3 and respectfully recommend its passage as amended by the Committee,

Amend by inserting the word "force" between the words "in" and "and"

On the Question, "Shall the Amendment be adopted?" It was adopted.

The Bill was then read 3d time and placed upon its passage.

The Question being - Shall the bill pass

The Ayes and Nays were called
Ayes Mess. Anderson, Balcomin, Campbell
Cave, Cleary, Clemens, Culp, Hunt,
Linny, McCarty, Brown, Nelson, Paddock
Pierce, Pope, Rhett, Shoup, Sickelbottom
Stevens, Suthrie, Walamp, White C. R.
White J. W. and Mr Speaker - 24 -

Nays - Mr Robbins - 1

So the Bill passed.
Read by title and approved

Message from the Governor.

Executive Department
Territory of Idaho,
Boise City, Jany 5th 1875

To the House of Representatives
I have this day approved
H. B. No 24 "An act to amend and repeal
certain sections of an act entitled an
act to incorporate the town of Lewiston

T. W. Bennett
Governor,

H. B. No 4 to reapportion the Members of the Legislative Assembly of Idaho
taken up and Council Amendments
thereto, read 3d time and placed upon
its passage -

The Question being - will the
House concur in Council Amendments
... - The House refused to concur,

H. B. No 71 an act to change the name
of Carl Johan Bren & Two, to Charles
Wilson

Read 1st and 2d time and referred to Idaho
delegation.

By leave, the Committee on Territorial Affairs submitted the following report;

Mr Speaker.

Your Committee on Territorial Affairs to whom was referred H.B. No 38. "An act relating to foreigners Cutting timber on public lands in Idaho, have had the same under Consideration and beg leave to report the Same back to the House and recommend its passage without amendment.

Robbins
Chairman

The Question being "Shall H.B. No 38 be Engrossed and read 3d time

It was so ordered and referred to Engrossing Committee.

By leave, Special Committee on Code Submitted the following Report;

Mr Speaker,

Your Select Committee on the Code to whom was referred H.B. No 31 have Considered the same and beg leave to report the same back to the House and recommend its passage

Price
Chairman

H.B. No 72 "An Act to divorce James L. Baldwin from Sarah A. Baldwin Read 1st and 2d times and referred to Committee on Mails and Mail Facilities

By leave, Committee on Enrolled Bills Submitted the following report,

Mr Speaker,

Your Committee on

Enrolled Bills" have examined and found Correctly enrolled H. B. No 24 and have this day presented the same to the Governor for his Approval

J. B. Pierce

Mr Speaker,

I hereby give notice that I will, on tomorrow, move to amend the Standing Rules of the House by adding Rule 58

Paddock

H. B. No 26 "An act Concerning Roads Highways &c

Read 1st and 2d time and referred to the Committee on the Code -

H. B. No 39. "An act Concerning Counties and Municipalities

Read 1st and 2d time and referred to Code Committee

H. B. No. 31 "An act securing liens to Mechanics and others"

On Motion of Mr Anderson, the Rules were suspended, Bill Considered engrossed, Read 3d time and placed upon its passage

The Question being "Shall the Bill pass" The Ayes and Nays were taken -

Ayes - Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Hunt, Linney, Moon, Nelson, Paddock Pierce, Pool, Robbins, Shoup, Sidebotham, Steward, Tuttle, Waldrip, White C. R. White J. W. 22.

Nays - Messrs McCarty, Rhett and Mr President - 3 - So the Bill passed - Read by title and approved.

By leave, Special Committee on the bank submitted the following report.

Mr Speaker.

Your Committee on the bank to whom was referred H. B. No 41 have considered the same and beg leave to report the same back to the House and recommend its passage.

Pierce
Chairman

H. B. No 41 "An Act - Concerning Chattle Mortgages."

Read 3d time and placed upon its passage.

The Question being - "Shall the Bill pass?" The Ayes and Nays were taken.

Ayes - Messrs Anderson, Baldwin Campbell, Carr, Cleary, Clemens, Culp, Hunt, Looney, McCarty Moore, Nelson, Paddock, Pierce Pool, Robbins, Rhett, Shoup, Siebothan, Stewart, Suthill Waldrip, White H. R. White J. W. 24.

Nays Mr Speaker - 1

So the Bill passed
Read by title and agreed

On Motion of Mr Robbins, at 5. P.M. House adjourned until 10 A.M. Wednesday Morning.

E A Stevens
Speaker House of Representatives

Attest
J. T. Sullivan
Chief Clerk

Thirty First Day.

House of Representatives.
Boise City, I. T. Jany 6th, 1875.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called, all present except Engrs Guthrie, Rhett, and J. W. White.
Journal read and approved.

Petitions.

Mr Anderson presented petitions from the citizens of Ada County, praying the Legislature to grant aide to the N. & W. T. Co. to construct Telegraph lines in Idaho —
Referred to Ada County Delegation.

Mr Lusey presented the petition of citizens of Centerville, Boise County, praying the Legislature to grant aide to the N. & W. T. Co. to construct Telegraph lines in Idaho —
Also,
the petition of citizens of Idaho City praying for the same,
Also, the petition of citizens of Quartzburg, Boise Co. praying for the same, All of which were referred to the Delegation from Boise County.

Standing Committees.

Mr Speaker.
Your Committee to whom were referred H. B's. Nos 36 & 37, beg leave to report that they have had the same under consideration and respectfully report the same back to the House and recommend their passage —

M. J. Lusey, Chairman

Mr Speaker.

Your Committee on Education to whom was referred H. B. No 39. have had the same under Consideration and find it a "Meritorious bill" and therefore recommend its passage

Waldiffe
Chairman

Mr Speaker.

Your Committee on Ways and Means to whom was referred H. B. No 25 have had the same under Consideration beg leave to report the same back to the House with the following Amendments and recommend the passage of the Bill as Recommended.

Mc Carty
Chairman

Mr Speaker,

Your Committee on Engrossed Bills have examined and found correctly engrossed H. B. No 38,

Baldwin
Chairman

Message from the Councie,

Council Chamber.
Boise City, Jany 6th, 1875.

Mr Speaker.

I am instructed to inform your honorable body that the Council have had under Consideration and passed H. B. No 7 "An Act to Change the Name of Kate Alexander to Kate Cecelia Johnson and to appoint C. P. Johnson her Guardian

E. J. Carr
Chief Clerk Council.

Mr Speaker.

Your Committee on Military and Indian Affairs to whom was referred H. R. No 10. relating to the disposal of Territorial Arms have had the same under consideration and report the same back and herewith report a Substitute therefor, all of which is respectfully submitted

Shoup

The Special Committee appointed to investigate the Alledged Conspiracy against Mr Pierce and others submitted the following report:

Mr Speaker,

Your Committee of Five appointed upon motion of Mr Pierce of Ada County to investigate as to the Alledged Conspiracy against Mr Pierce and other Members of the House and also as to Charges and insinuations made against the Ada County delegation and to enquire generally if any Money or Compensations had been or were being used to pass or defeat H. B. No 12. Known as the Telegraph Bill hereby respectfully report that they have performed the duty assigned them and have taken certain written evidence herewith reported and that they have come unanimously to the following Conclusions.

First, That there was no Conspiracy against Mr Pierce or any other Member upon the part of Mr Platt Burr or any Member or any members of this House favorable or unfavorable to said bill to entice Mr Pierce or other Members away from his seat on last Saturday afternoon. Second, That some person unknown to your Committee did hear a message to Mr Pierce, a minute or two before the House convened on last Saturday afternoon for posting to have come from his wife to the effect that

one of his Children was very Sick and his immediate presence at home was needed, but that the Leave was done without the Knowledge or Connivance of Mr Platt Burr or any Member of this House. And further, that a very short time previous to the delivery of the Same Mr Platt Burr had learned that Such a trick would be attempted and had immediately informed Mr Peirce of the Same and told him to pay no attention to it and not to blame him (Mr Burr) That Mr Peirce Supposing that Mr Burr referred to Some thing that had already been done, when the Message Came, acted in good faith and moved the adjournment on Saturday afternoon last. That both Mr Peirce and Mr Burr acted honorably in the matter and No blame whatever attaches to either of them or to any member of this House, in the premises.

Third, That the Charge that a fool had been raised in Wayne County and was being handled and used by the Auburn Delegation to defeat the passage of the Said bill was a mere joke on the part of Mr Burr, a pun or play upon the Name of Mr Pool, the Member from Wayne.

Fourth, That no Money or other Corrupt means have been or are being used by the friends for the passage or by its enemies for the defeat of the said Telegraph Bill.

Your Committee further state that a large number of witnesses had been Summoned, who appeared and were willing to testify before Your Committee, but from the full examination and the General Gist of the Evidence taken the Conclusions formed by Your Committee were So evidently irresistable that they Considered it useless to waste further examination or to take further testimony and that

Mr Pierce, who moved the appointment of the committee, offering no further testimony, and expressing himself fully satisfied, and the Committee Also, being fully satisfied in the premises; did not take further evidence than that herewith reported, as they deemed it useless and a waste of time.

All of which is most respectfully submitted,

Janry 6th, 1875.

Geo. L. Shoup
T. S. Anderson
Wm Clemens
C. W. Stewart
C. S. Nelson
} Committee

On Motion of Mr Lemmy the report was adopted and the committee discharged.

Special Committee to investigate the Patton V.S. Patton divorce Bill Submitted the following report;

Your Committee to whom was referred H. B. No 23 entitled an act to dissolve the bonds of Matrimony between Lydia Ann Patton and Green C. Patton beg leave respectfully to offer for your consideration the following Report;

And submit-herewith notes of Sworn evidence submitted to the Committee and written Statement from men of respectability and Standing in the Community who are Conversant with the Acts Complained of.

Your Committee after a Careful Consideration of the evidence adduced have Come to the Conclusion that the petitioner is entitled to the relief prayed for and find that She has not the means to enable her to bring her Case before the Courts;

We would therefore report the Bill back to your honorable body and recommend its passage,

Baldwin
Chairman

Motions and Resolutions.

Mr Paddock offered the following Resolution

Resolved That the following be adopted as Rule 58 of the Standing Rules of this House,

Rule 58th

That in case of divorce or dissolving the bonds of Matrimony shall hereafter be considered by this House.

Mr Lowry moved to adopt the Resolution and Rule,

On Motion of Mr Cleary a Call of the House was ordered,

Role Called - All present -

On Motion of Mr Pierce further Call was dispensed with -

The Question being on the adoption of the Resolution and Rule

The Ayes and Nays were taken,

Ayes - Messrs Anderson, Baldwin, Campbell, Cave, Clemens, Hunt, Lowry, Moore, Paddock, Pierce, Pool, Rhett, Shoup, Silbottom Waldrip and Mr Speaker - 16 -

Nays - Messrs Cleary, Culp, McCarty Nelson, Robbins, Steward, Guthrie White C, R, and White J, W. - 9 -

So the Resolution and Rule were adopted —

Mr Anderson gave Notice, that on tomorrow he would move to reconsider the vote by which the Resolution and Standing Rule No 58 of the House were adopted —

H. B. No 73, An act to Change the name of Kate Alexander to Kate Cecelia Johnson and to make C. P. Johnson her Guardian —

Read 1st and 2d time and referred to Judiciary Committee

Introduction of Bills.

H. M. No 8. asking Congress to make an appropriation for Surveying Snake River,

Read 1st and 2d time and referred to Territorial Affairs,

By leave, Mr Mc Carty introduced H. B. No 41. "An act for the protection of growing Crops in Ada County,

Read 1st and 3d time and referred to Committee on Agriculture

H. B. No 38. "An Act to prevent persons from Cutting timber on their own Account on the public lands in Idaho Territory,

Read 3d time and placed upon its passage The Question being "Shall the Bill pass? The Ayes and Nays were taken,

Ayes - Messrs Culp, McCarty, Pierce, Root, Robbins, Shoup, Tuthill, 7

Nays - Messrs Anderson, Baldwin, Campbell, Culver, Gleim, Holmes, Hunt, Ginn, Moore, Nelson, Packwood, Rhett, Sidebottom Steward, Waldrip, White C. R. White J. W. Ginn Mr Speaker — 18.

So the Bill failed to pass.

H. B. No 23, "An act- dissolve the bonds of Matrimony between Lydia Ann Patten and Byron C. Patten Read 3d time and

At 11.55 A. M. On motion of Mr Hunt House adjourned until 2 P. M.

Afternoon Session,

House met- pursuant to adjournment Speaker in the Chair.

Roll Called - All present- except- Mssrs Pierce, Rhett, Paddock and Robbins

Motions and Resolutions.

Mr Speaker, Moved that the committee on the Ind be increased by the appointment- of Six more Members to said from the Delegations of Boise, Ada & Owyhee

Campbell

Motion Carried,

Message from the Council,

Council Chamber
Boise City, Jany 6th, 1875

Mr Speaker,

I am instructed to inform your honorable body that- the Council have had under consideration and passed the following Bill and respectfully ask the Concurrence of the House thereon

H. B. No 76 an act- to dissolve

the bonds of Matrimony between Mary Donahue and Michael Donahue

Also

C. B. No 77 "An Act to dissolve the bonds of Matrimony between George Englehardt and Wilhelmina Englehardt"

Also,

C. B. No 78. An Act to dissolve the bonds of Matrimony between Senna Watson and John Watson

Which is herewith transmitted

Also,

The Council ~~concur~~ on their Amendments to H. B. No 4 "An Act to reapportion the Members of the Legislature of Idaho

Also

The Council have Concurred in House Amendment to C. B. No 3 "An Act relating to the issuing of New Bonds to be interchangable for the old Bonds issued Jany 13th 1866, and Jany 14th, 1867.

E. J. Carr
Chief Clerk of Council

By leave, Committee on Mails and Mail Facilities submitted the following report,

Mr Speaker,

Your Committee on Mails & Mail Facilities to whom was referred C. B. No 72. "An Act to dissolve the Bonds of Matrimony between J. C. Baldwin and Sarah A. Baldwin have had under Consideration and Carefully Considered the Same and find that there is in this Case a Considerable amount of property involved, and further, there are Children who are the issue of the above Named Matrimonial Alliance who are dependent upon the above Named J. C. Baldwin-

for their Maintenance and Support and as there is no evidence before this body to show that their is any Cause or Grounds for Granting the relief asked for therefor, beg leave to Report the Same back and recommend that the Same be indefinitely postponed

Respectfully Submitted

Cave

The Speaker announced the additional members of the Special Committee on the Code to be Mssrs Moon, White C. R. McCarty, White J. W. Paddock and Culp

Mr Sidebottom Moved that the Report of the Committee on C. B. No 72 an act to dissolve the bonds of Matrimony between J. C. Baldwin and Sarah Ann Baldwin be adopted -

The House refused to adopt the report -

H. B. No 4 an act to reapportion the members of the Legislative Assembly of Idaho Territory taken up, and on Motion of Mr Clemens, a committee of Conference was appointed Consisting of Mssrs Pierce and Campbell to Confer with a like committee on the part of the Council on H. B. No 4

C. B. No 76 "an act to divorce Mary Donahue from Michael Donahue.
Read 1st time

The 2d reading be objected to, The Question being - Shall the Bill be rejected? The Bill was rejected -

On Motion of Mr Anderson H. B. No 25 was taken up and amendments read as follows:

Amend Section 1. Page 2 in lines 16, 17 & 18 by striking out the words — "Whenever personal property has been levied on aforesaid or sold"

The Amendment was adopted

In all places where it occurs in the Bill that the Sheriff shall have, for traveling, twenty five ~~cents~~ per mile, amended so as to read, twenty Cents per Mile Necessarily traveled in going and returning,

The Amendment was adopted

Bill read 3d time and placed upon its passage

The Question being "Shall the Bill pass?"

The Ayes and Nays were taken.

Ayes — Messrs Anderson, Baldwin, Campbell, Carver, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhea, Shoup, Sidebottom, Tuttle Wakeship, and Mr Speaker 17

Nays — Messrs Cleary, Clemens, Culp, Hurst Lemmy, Stewart, White C. R. and White J. W. — 8

So the Bill passed

Read by title and approved —

C. B. No 78. "An Act — Divorce Serena Watson and John Watson

Read 1st time to go with the evidence A second reading being objected to

The Question being "Shall the Bill be rejected"

The Bill was rejected —

H. B. No 23 "An Act to divorce Lydia Ann Patton from Lyman B. Patton
read 3rd time and placed upon its passage
The Question being — "Shall the Bill pass"
The Ayes and Nays were called.
Ayes — Messrs Anderson, Baldwin
Cleary, Clemmins, Culp, McCarty
Nelson, Robbins, Guthrie, Waldrop
White C. R. and White J. No. 12

Nays — Messrs Campbell, Carr, Hunt
Linney, Moore, Paddock, Pool, Rhett,
Stroup, Sidebotham, Stuard and
Mr Speaker — 12

So the Bill failed to pass.

H. B. No 12 "An act to divorce James
C. Baldwin from Sarah A. Baldwin
taken and read 3 time and placed
upon its passage
The question being ~~Patton~~ Shall the
Bill be indefinitely postponed &
The Bill was indefinitely postponed

Message from the Council

Council Chamber
January 6th. A. D. 1875

Mr Speaker

I am instructed to inform
your honorable body that the Council
have had under consideration and
passed H. B. No 24 "An Act to amend
an act fixing the fees and Salaries
of certain officers of Boone County"
and ask the Concurrence of the House
thereto, which is herewith transmitted

E. T. Carr
Chief Clerk of Council

H. B. No 39. "An act to divorce Catharine Moore from David Moore. read 3d time and placed upon its passage
The question being "Shall the Bill pass?"
The Ayes and Nays were taken —
Ayes — Mess. Anderson, Campbell, Cleary, Clemens, Culp, McCarty, Nelson, Robbins, Stevens, Guthrie, Waldrop, White L. R. and White J. W. — 13

Nays — Mess. Baldwin, Cavis, Hinds, Looney, Moore, Paddock, Pool, Rhett, Shoup, Sidebottom and Mr Speaker — 11

So the Bill passed.

H. B. 29 "An act to prevent frauds in Elections" read 3d time ~~for information~~ on its passage
The Question being "Shall the Bill ~~be rejected~~ ~~Indefinitely~~ ~~on passage~~
It was Ordered and referred to Engrossing Committee

H. B. No 36 "An act to amend an act Concerning Elections taken up.
On Motion the Bill was ordered Engrossed for 3d reading —

H. R. No 10 in relation to Territorial fire arms taken up and Substitute read. The Question being upon the adoption of the Substitute
It was adopted —

Mr Culp Gave Notice as follows;
Mr Speaker,
I hereby Give Notice that — on tomorrow I will move a reconsideration of the vote by which H. B. No 33. "An Act to dissolve the bonds of Matrimony between Lydia A. Patten and

Green C. Patton was defeated

Ladd

Ch. B. No 74 "An act to amend an act fixing the fees and salaries of officers of Boise County

Read 1st and 2d time and referred to Boise County Delegation.

Report of Committee on Enrolled Bills

Mr Speaker,

Your Committee on Enrolled Bills have examined and found correctly enrolled H. Bs Nos 19, 29 & 28 and have this day at 3 o'clock P.M. delivered the same to the Governor for his Approval

Pierce
Chairman

Mr Pierce gave notice as follows:

Mr Speaker,

I hereby give notice that in five days from to day I will introduce a bill for the repeal of an act entitled an Act for the better observance of the Sabbath Day - Approved Jany 8th, 1875

Pierce

On Motion of Mr Anderson, at 3,40 P.M. House took a recess until 7 P.M.

Evening Session,

House met pursuant to adjournment,
Speaker in the Chair,
Roll Called - All present,

Mr Anderson presented the petitions of the Citizens of Latah County praying for the passage of the Bill granting aid to the N. N. R. R. Co -
Laid on the table -

By leave Mr Rhett gave notice as follows;

Mr Speaker;

I give notice that on tomorrow I will move a reconsideration of the vote by which H. B. No 25 was lost -

Rhett

H. B No 12 "An act to aid in the Construction of Telegraph lines in Idaho Territory, being Special order for 7 o'clock was taken up at that hour

Mr Price moved to strike out the enacting Clause, and;

The question being, "Will the House strike out -"

The ayes and nays were then taken

Ayes - Messrs Campbell, McCarty, Moore, Nelson, Paddock, Price, Pool, Robbins, Shoup, Tuthill Waldrip, — 11

Nays — Anderson, Baldwin, Carr, Cleary, Clements, Culp, Hunt, Lemp, Rhett, Silverstein, Stevenson White C. R, White J. W. and Mr Speaker - 14 -

So the House refused to Strike out the enacting Clause -

The Bill was then read 3d time and placed upon its passage The Question being Shall the Bill pass? 3

The Ayes and Nays were taken Ayes - Messrs Anderson, Baldwin Ledwig, Lelewer, Loomis, Culp Hunt, Linsey, Rhoto, Sidebottom Steward, White C. R. White J. W. and Mr Speaker - 14

Nays - Messrs Campbell, McCarty, Moon, Nelson, Paddock, Pierce, Pool, Robbins Shoup, Guthrie and Waldrip - 11.

So the Bill passed.

Read by title and Approved.

On Motion of Mr Anderson, at 8.30 P.M. House adjourned until 10. A.M. Thursday.

E. A. Stevenson
Speaker House of Representatives

Attest
J. N. Cochran
Chief Clerk

Thirty Second Day.

House of Representatives,
Boise City, I. T. January 7th, 1875.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called: all present except Mess Reiss
Hunt Moore, and Rhett

Message from the Council.

Council Chamber,
Boise City, January 7th 1875.

Mr Speaker,

I am instructed to inform your Honorable body that the Council have passed the following, which are herewith transmitted and respectfully ask the Concurrence of the House thereon;

C. B. No 28. as Amended, "An act defining the time of Commencing Civil actions,

Also, C. B. No 30. as Amended "An act Concerning County Recorders and Auditors,

Also, C. B. No 75. "An act to provide for the Copying of Records and Making of Indexes in Owyhee County,

Also, the Council have passed H. B. No 33. "An act for the better protection of Stock to their rightful owners"

E. J. Lauer
Chief Clerk of Council

Report of Standing Committees.

Mr Speaker,

Your Judiciary Committee to whom was referred H. B. No 34 "An Act relating to all Games of Chance" have Considered the same and hereby report the same back and recommend its passage -

Anderson
Chairman

Mr Speaker,

Your Committee on Engrossed Bills have examined said former Correctly enrolled H. B. No 37.

Baldwin
Chairman

Mr Speaker,

Your Committee on Territorial Affairs to whom was referred H. B. No 10, praying Congress to remove obstructions in Snake River have had the same under Consideration and recommend its passage -

Robbins
Chairman

Mr Speaker,

Your Committee on Printing ask to be permitted to report H. B. No 22 Correctly printed and the Original Bill herewith returned to this House

Coleman
Chairman

Mr Speaker.

Your Committee to whom was referred H. B. No 41 have had the same under Consideration and beg leave to report the same back to the House and recommend its passage.

C. R. White
Chairman

Mr Speaker,

Your Committee on the Code to whom was referred H. B. Nos 39 & 26 have had the same under Consideration and beg leave to report the same back to the House and recommend its passage.

Price
Chairman.

H. B. No 30, "An Act Concerning County Recorders and Auditors, Read 1st and 2d times and referred to Committee on Code.

By leave, Mr Robbins introduced H. B. No 43 "An act to authorize County Commissioners of Ada County to build a bridge over the Payette River, Read 1st and 2d times and referred to Ada County delegation.

Message from the Governor.

Executive Department
Territory of Idaho
Boise City, January 7th, 1875.

To the House of Representatives

I have this day approved H. B. No 29 "An act to prevent Cruelty to Animals and protect the public from the Sale of unwholesome food.

L. W. Bennett
Governor.

H. B. No 28 "An Act- Defining the time of Commencing Civil Actions.
Read 1st and 2d time and referred to Committee on Code -

H. B. No 39 "An Act- Concerning Corporation. Read 3d time and placed upon its passage.
The Question being- "Shall the Bill pass?" The Ayes and Nays were taken- Ayes- Messrs Anderson, Baldwin, Campbell, Case, Cleary, Clemens, Culp, Hurst, Lanny, McCarty, Moore, Nelson, Paddock, Pool, Robbins, Rhett, Shoup, Sickelsteen, Stewart Guthrie, Waldrip, White H.R. White J. W. and Mr Speaker - 24 -
Nays - None
So the Bill passed,
Read by title and approved.

H. B. No 26. "An Act- Concerning Roads and Highways - Read 3d time and placed upon its passage -
The Question being - "Shall the Bill pass?
The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell, Cleary, Clemens, Culp, Hurst, Lanny, McCarty, Moore Nelson, Paddock, Pool, Robbins Rhett, Shoup, Sickelsteen, Stewart Guthrie, Waldrip, White H.R. White J. W. and Mr Speaker - 25
Nays - Mess Case - 1
So the Bill passed
Read by title and approved

H. B. No 37, "An act to prevent frauds in Elections" Read 3d time and place upon its passage. The Question being "Shall the Bill pass?" The Ayes and Nays were taken.

Ayes — Mess Anderson, Baldwin, Campbell, Coiner, Cleary, Clemens, Culp, Hunt, Linny, McCarty, Moon, Nelson, Paddock, Pond, Robbins, Rhett, Shoup, Siebottom, Stevens, Tuttle, Waldron, White C. R. White J. W. and Mr Speaker, 24 —

Nays — None.

So the Bill passed.

Read by title and approved.

H. B. No 34, "An act relating to all Games of Chance", was, on Motion, ordered engrossed and read 3d time.

H. B. No 74 "An act to amend an act fixing the fees and Salaries of Certain Officers of Boise County," on Motion of Mr Anderson, the Bill was referred to Boise County delegation

H. B. No 41 "An act to protect growing Crops in Ada County was taken up. And on Motion of Mr McCarty, Rules were Suspended, Bill Considered engrossed read 3d time and placed upon its passage.

The Question being — "Shall the Bill pass?" The Ayes and Nays were taken

Ayes — Mess Anderson, Baldwin Campbell Coiner, Clemens, Culp, Hunt, Linny, McCarty, Moon, Nelson, Paddock, Pond, Robbins, Rhett, Shoup, Siebottom, Stevens, Tuttle, Waldron, White C. R. White J. W. and Mr Speaker — 25.

Nays - Mr Cleary - 1

So the Bill passed.
Read by title and approved.

H. Mr. No 8, asking Congress to make an Appropriation for Surveying Snake River, taken up. And on Motion of Mr Anderson, Rules were Suspended, Bill Considered engrossed, and 3d time and placed upon its passage.

The Question being - Shall the Memorial pass? The Ayes and Nays were taken Ayes - Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Hunt, Lamey, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhutt, Shoup, Sidebottom, Steward, Truthill, Waldrip, White C.R. White J.W. and Mr Speaker 24

Nays, None.

So the Memorial passed

C.C.R. No 16. taken up, and by order of the House, House Amendments, Strickn off.

Substitute to C.C.R. No 16. read 2d time and on Motion, the Substitute was ordered engrossed and read 3d time,

Mr Hunt introduced H. C. R. No 7 in relation to Territorial Fire Arms. Read 1st and 2d time and on Motion Rules Suspended, Resolution Considered engrossed, read 3d time and placed upon its passage -

The Question being "Shall the Resolution pass? The Ayes and Nays were taken Ayes - Messrs Cleary, Clemens, Culp,

Hunt, Pierce, Pool, Stevens, White
& Reed and White of W. 9

Nays - Messrs Anderson, Baldwin, Campbell
Cave, Lenny, McLarty, Brown, Nelson
Paddock, Robbins, Rhoto, Shoup,
Silebottom, Tuttle, Waldrip, and
Mr Speaker - 16

So the Resolution failed to pass.

By leave, Committee on Enrolled Bills
Submitted the following;

Report,

Mr Speaker

Your Committee
on Enrolled Bills have examined and found
Correctly enrolled H. B. No 35. Also H. C. R.
No 6 and have this day at 11 o'clock
presented the same to the Governor for his
approval

Pierce
Chairman

Mr Robbins gave Notice that on tomorrow
he would move to reconsider the Vote by
which H. C. R. No 7 was defeated.

H. B. No 19 taken up and read -

Executive Department
Idaho Territory
Boise City, Jany 6th 1875.

To the House of Representatives,

H. B. No. 19. "An act
to dissolve the bonds of Matrimony existing
between Mary E. Leidner and Samuel
Leidner, has been presented to me for
executive action, In connection therewith
I desire to say that I regard the practice

of granting divorces by the Legislative
Department as of very doubtful pro-
priety — The legislative power of this
Territory, following the well established
precedents of most of the State Governments
has very wisely enacted laws, conferring
the jurisdiction in divorce cases upon
the Judicial Department, and has
provided certain rules of practice in
relation thereto, for the guidance of the
Courts — A strict enforcement of
these rules by the Courts, I believe to be
essentially necessary to the administration
of justice the protection of private rights,
the encouragement of public Morality and
the preservation of that most sacred of
all human institutions — the Marriage
relation — The Statutes enumerates the
Causes for which a divorce may be granted
it requires that the adverse party shall
have due Notice of the pendency of such
an Action, that he or she may be
present, and have an opportunity to
meet and refute the Charges made,
and to demand a trial under the forms
of law — In no Department other than
the Judicial, Can such rules of practice
be Enforced; The Legislative Assembly
must necessarily be forced to determine
such Questions, without Notice to the
parties interested, without the means of
Sifting, and examining testimony, under
the safeguards of law, and it can
only act upon ex parte, interested and
unreliable evidence, while the Executive
department, which has a duty to perform
in the Matter, equally important and
responsible with the Legislative Departments
is, in most Cases, Compelled to perform
that duty, without a shadow of evidence
or information on the subject, a suspect-

fully submit- that- such an unreliable practice is a dangerous trifling with the high interests and sacred obligations of Marriage -

Besides the questions of propriety, I very much doubt the powers of the Legislative Assembly of this Territory to assume jurisdiction over the subject -

The organic act of this Territory, provides "that the Legislative power of the Territory shall extend to all rightful subjects of Legislation &c. If the granting of divorces, ever was in this Territory, a rightful subject of legislation I submit whether it did not cease to be a legislative, and become a judicial subject, from and after the time when the Legislative Assembly delegated the jurisdiction and conferred the authority upon the Courts -

The case involved in the bill under consideration, is somewhat peculiar and presents itself for any consideration in a light much more favorable than is usually the case with bills of this character - The preamble of this bill recites certain facts which the Legislative Assembly having passed upon, I am bound to believe are true, It is shown that the applicant in this case availing herself of the provisions of our laws, instituted a suit in the proper Court, gave the required notice to the adverse party, prepared herself for the trial of her cause, by the production of the necessary evidence, but was prevented from the prosecution of her cause to finish judgement, by the failure of the Courts to be holden, And further fact is shown that in this Case, there are no Children or property to be disposed of,

In view of all the Circumstances of this Case, I have this day approved the bill under Consideration -

In making the foregoing remarks, I entertain no intention of influencing your

Action on the Subject of granting divorces well knowing your entire Competency to act for Yourselves, but my object is, briefly to give my views upon the subject that my Approval of the bill under Consideration may not Commit me to a policy, which I do not Approve.

J. N. Bennett
Governor.

On Motion of Mr Rhett, and in accordance with previous Notice, the Vote by which H. B. No 23. was defeated was reconsidered and the Evidence in the Case read.

Mr Hunt moved an Adjournment
Motion lost.

Bill read 3d time and passed upon its passage. The Question being "Shall the Bill pass?" The Ayes and Nays were taken.

Ayes — Messrs Anderson, Baldwin, Cheney, Clemens, Culp, McCarty, Nelson, Pierce, Robbins, Rhett, Sidebotham, Stewart, Tuthill, White C. R. and White J. W. 15

Nays — Messrs Campbell, Cave, Hunt, Lamey, Moore, Paddock, Pool, Shoup, Waldrip, and Mr Speaker 10 —

So the Bill passed,
Read by title and Approved.

On Motion of Mr Cheney, at 12.10 P. M. House took a recess until 2. P. M.

Afternoon session.

House met pursuant to adjournment, Speaker in the Chair.

Roll Called - all present except Messrs Hunt, Baldwin, Guthrie, Paddock and J. W. White

By leave, Mr Cleary introduced H. B. No 45 "An Act to aid indigent persons to secure their in Courts of Justice - Read 1st and 2d times and refered to Judiciary Committee

Message from the Council.

Council Chamber
Boise City, Jany 7th, 1875.

Mr Speaker.

I am instructed to inform your honorable body that the Council have passed the following bills, which are herewith transmitted, and respectfully ask the Concurrence of the House therein;

C. B. No 66.

An Act entitled an Act to empower the Assessor of Owyhee County to Collect taxes upon Certain assessable personal property within said County -

Also, C. B. No 70 an Act to amend an Act to incorporate Boise City.

Also, the Council have passed H. B. No 39. "An Act to dissolve the bonds of Matrimony between Catharine Moore and David Moore, her husband and Change the Name of Catharine Moore, which is herewith transmitted

E. J. Carr
Chief Clerk of Council

On motion of Mr. C. R. White the Sergeant-at-Arms was directed to procure from the Council the Original Draft of the New Code -

C. B. No 70 "An act to Amend an act to incorporate Boise City -
Read 1st and 2d times and referred to Committee on Territorial Affairs

C. B. No 66. "An act to empower the Assessor of Owyhee County to Collect taxes on Certain Movable Property
Read 1st and 2d time and referred to Owyhee Delegation

By Leave Judiciary Committee Submitted the following report:

Mr Speaker,
Your Judiciary Committee to whom was referred C. B. No 73, "An act to Change the Name of Kate Alexander to Kate Cecilia Johnson and to make Orville P. Johnson her Guardian, have Considered the Same and herewith report a Substitute and recommend the passage of the Substitute

Anderson
Chairman

Substitute to C. B. No 78, Read,
The question being with the House adopt the Substitute &
The Substitute was adopted -
Read 1st and 2d times and
On Motion of Mr Anderson, Rules were Suspended, Bill Considered engrossed, read 3d time and placed upon its passage -

The Question being "Shall the Bill pass?"
The Ayes and Nays were taken
Ayes - Messrs Anderson, Baldwin, Campbell
Cave, Cleary, Clemens, Culp, Hunt,
Lancy, McCarty, Moore, Nelson, Pierce
Post, Robbins, Rhett, Shoup, Sidebotham
Stevens, Tuthill, Waldrip, White 6, R.
and Mr Speaker - 23

Nays - None

So the Bill passed
Read by title and approved

On accordance with previous notice,
Mr Anderson moved to reconsider the vote
by which House Rule No 58 was adopted
Motion lost -

By leave, Committee on Engrossed Bills
submitted the following report:

Mr Speaker,
Your Committee on Enrolled
Bills have examined and found correctly
enrolled H. B^s Nos 34, 36, 37 & 41.

Baldwin
Chairman

H. B. No 37, "An Act to prevent frauds
in Elections taken up, and 3rd time and
placed upon its passage.
The Question being "Shall the Bill
pass?" The Ayes and Nays were taken
Ayes' - Messrs Anderson, Baldwin
Campbell, Cave, Cleary, Clemens
Culp, Hunt, Lancy, McCarty,
Moore, Nelson, Pierce, Post,
Robbins, Rhett, Shoup, Sidebotham
Stevens, Tuthill, Waldrip, White 6, R
— and Mr Speaker — 23 —

Nays - None.

So the Bill passed.
Read by title and approved.

S. B. No. 34 "An act relating to all Games of Chance"
Read 3d time and placed upon its passage -
The Question being - "Shall the Bill pass?
The Ayes and Nays were taken -
Ayes - Mssrs Anderson, Baldwin, Cave, Clemens, Hunt, Moon, Pool, Shoup, Sidebotham - 9 -

Nays - Mssrs Campbell, Cleary, Culp, Lunney, McCarty, Nelson, Pierce, Robbins, Rhett, Stewart, Guthrie, Waldrip, White & R, and Mr Speaker - 14

So the Bill failed to pass -

H. B. No. 36 to Amend an Act relating to elections. Amended in Section 8 so as to read "twenty Cents per Mile" and Section 28 by inserting the words - "or General" - Adopted -
Bill read 3d time and placed upon its passage -
The Question being "Shall the Bill pass?
The Ayes and Nays were taken
Ayes - Mssrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Hunt, Lunney, McCarty, Moon, Nelson, Pierce, Pool, Rhett, Sidebotham, Stewart, Guthrie, Waldrip, White & R, and Mr Speaker - 21 -

Nays Mssrs Shoup, 1

So the Bill passed.
Read by title and approved.

On Motion of Mr Stevens, at 5.15 P. M.
House adjourned until 10 a.m. Friday.

E. A. Stevens
Speaker House of
Representatives

Attest
J. D. Cahoon
Chief Clerk

Thirty Third Day.

House of Representatives
Boise City, I. T. Jany 8th, 1875

House Met pursuant to Adjournment,
Speaker in the Chair.
Roll Called - All present - McCarty and Robbins -
Journal read and Approved,

Message from the Council.

Council Chamber
Boise City, Jany 8th 1875,
Mr Speaker,
I am instructed to inform your honorable body that the Council have had under Consideration and passed H. B. No 31, An Act for securing liens to Mechanics and others, which is herewith transmitted -

E. J. Carr
Chief Clerk of Council

On Motion of Mr Davidson the reading of the Governors Message in yesterdays Journal was dispensed with -

Reports of Standing Committees

Mr Speaker,
Your Judiciary Committee to whom was referred H. B. No 23 "An Act- Creating the Board of County Commissioners and defining their duties and powers, have Considered the same and report the same back with certain Amendments herewith reported and submitted and when amended recommend the passage of the bill

Anderson
Chairman

Mr Speaker.

Your Judiciary Committee to whom was referred H.B. No 45. "An act to aid indigent persons to procure their legal rights upon the Courts of Justice in the Territory of Idaho and for the payment of Costs and fees therein", having examined the same, hereby report the same back with an Amendment adding an additional Section, and believing the bill to be a very "Meritorious" one, and in deference to the request of the introducer [redacted] who has shown himself to be a valiant Champion of the rights of Jordons and forsaken women, we recommend the passage of the Bill.

Anderson
Chairman

Mr Speaker,

Your Judiciary Committee to whom was referred H.B. No 18 "An Act to provide for the payment of witnesses in Criminal Cases" hereby report the same back without recommendation

Anderson
Chairman

Mr Speaker,

Your Committee on Enrolled Bills have examined and found correctly enrolled H.B. Nos 8 & 42, also, Substitute for C. B. No 73

Baldwin
Chairman

Mr Speaker.

Your Committee on the Code to whom was referred H. B. No 28 have carefully examined the same and respectfully report the same back to the House and recommend the passage of the Bill

Price
Chairman

On Motion of Mr Robbins and in accordance with previous notice, the vote by which H. B. R. No 7 was defeated was reconsidered, and on Motion, the Resolution was recommitted to a Select Committee Consisting of one Member from each County the Speaker announced the following Committee on Territorial Fire Arms.

Mess. C. R. White
Price, Clemens, Waldrip, Cleary, Guthrie, Hunt and Nelson —

Message from the Council.

Council Chamber
Boise City, Jany 8th, 1875

Mr Speaker

I am instructed to inform your honorable body that the Council have appointed Messrs Lauramay and McNally Special Committee to Confer with a like Committee from the House with reference to Council Amendments to H. B. No 4 an Act to reapportion the Members of the Legislature of Idaho

E. D. Curr
Clerk of Council

By leave, Mr Anderson introduced H. B. No 46. "An Act- Supplementary to An Act- relating to Money of Account- Read 1st- and 2d. times, And on Motion of Mr Pierce, Rules were suspended, Bill Considered engrossed and 3d time and placed upon its passage

The Question being - "Shall the Bill pass?"

Mr Hunt- offered the following Amendment-

Amend by inserting the words "two per Cent-" and striking out the words "one and one half" Striking out the word "Eighteen" and inserting the words "twenty four"

The Amendment was lost-,

The Ayes and Nays were taken

Ayes - Messrs Anderson, Adams, Nelson, Paddock, Pierce, Pool Robbins, Rhett, Siebottom Steward, Waldrip, White 6, R. 13

Nays - Messrs Baldwin, Clemens, Culp Hunt, Lamy, Moon, Shoup Guthrie and Mr Speaker - 9

So the Bill passed-
Read by title and referred,

By leave. Mr Cleary introduced H.B. No. 47 "An Act Concerning Rights of way, Easements &c over running Streams,

Read 1st time

Mr Lauer objected to 2d reading.

The Question then being Shall the Bill be rejected?

The House refused to reject the Bill —

The Bill was then read 2d time and on motion, was referred to the Judiciary and Mining Affairs Committee —

Message from the Council.

Council Chamber
Boise City, Jany 8th, 1875

Mr Speaker

I am instructed to inform your honorable body that the Council have had under Consideration and pursuant H. B. No 41, "An Act for the protection of Growing Crops in the County of Ada" which is herewith transmitted

E. J. Cain
Chief Clerk of Council

H. B. No 48, "An Act to Compel Miners and others, who sink Shafts or make other excavations, to fence or fill up the same

Read 1st & 2d times —

Mr Anderson offered the following Amendment — "provided that the Shafts or excavations are within five miles of any settlement or town

The Amendment was lost —

Mr Baldwin moved to exempt - Boise County -
Amendment - was lost.

Mr Anderson moved to exempt - Ottawa County -
from the provisions of the Bill
Amendment - lost -

On motion of Mr Moon, Rules were suspended, Bill considered engrossed, read 3d time and placed upon its passage -
The question being "Shall the Bill pass?"
The Ayes and Nays were taken -
Ayes Messrs Cave, Cleary, Clemens, Culp
Hunt, Lemp, Moon, Nelson, Paddock
Pierce, Pool, Robbins, Rhutt,
Waldrip, and Mr Speaker - 15

Nays Messrs Anderson, Baldwin, Skoufis,
Bickelhaupt, Stewart, Zuttell
and White C. R. 7

So the Bill passed
Read by title & approved

H. B. No 45, An act to aid indigent persons to acquire their rights in Courts of Justice
Amended by the addition of Section 6.
Section 6 This act to take effect and be in force from and after its passage -
On Motion the Amendment was adopted.
On Motion the Bill was ordered engrossed for 3d reading, referred to Engrossing Committee

H. B. No 42. "An Act to provide for the Care and Management of Territorial Ordnance and Ordnance Stores.

Read 3d time and placed upon its passage. The question being "Shall the Bill pass? The Ayes and Nays were taken -

Ayes - Messrs Anderson, Baldwin, Campbell, Carr, Cleary, Clemens, Culp, Hunt, Lemmy, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sidebottham, Stewart, Guthrie, Waldrip, White C. R. ~~White J. W.~~ and Mr Speaker - 21

Nays - Mr Robbins 1

So the Bill passed

Read by title and approved.

H. B. No 18 "An Act to provide for the payment of witnesses in Criminal Cases"

Mr. Lemmy moved to lay the Bill on the table. Motion lost.

On motion the Bill was ordered engrossed for 3d reading and referred to Engrossing Committee

H. B. No 28 "An Act defining the time of Commencing Civil Actions,

Read 3d time and placed upon its passage -

The Question being, Shall the Bill pass?

The Ayes and Nays were taken

Ayes - Messrs Anderson, Baldwin, Campbell, Carr, Cleary, Clemens, Culp, Hunt, Lemmy, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebottham, Stewart, Guthrie, Waldrip, White C. R. and Mr Speaker - 22

Resp — Mann

So the Bill passed,
Read by title and approved.

On Motion of Mr Gibson, at 11.45 a.m.
House to a Recess until 2. P.M.

Afternoon Session,

House met pursuant to adjournment
Speaker in the Chair.
Roll called — All present — except Mr Mc Leary, who was excused on account of Sickness.

By leave, Committee on Engrossed Bills submitted the following report:

Mr Speaker,

Your Committee on Engrossed Bills have examined and found correctly engrossed H. B.s Nos 45, 46 & 48.

Baldwin
Chairman

By leave, Mr Clemens introduced H. B. No 149, "An Act in relation to Contested elections of Members of the Legislature."
Read 1st & 2d times and referred to Committee on Elections

By leave

Mr Speaker,

I give notice that I will, on Tomorrow, introduce a Bill to provide a Uniform System of Ballots to be used at General and Special Elections

Lane

By leave, Special Committee Consisting of Cayuga Delegation Submitted the following report

Mr Speaker,

Your Committee Consisting of Cayuga Delegation to whom was referred Bill No. 75 in reference to transcribing certain records in said County report that the Bill ought to this House and recommend that the same be indefinitely postponed

Yeol
Ludgo

By leave, Mr Wm. Salter submitted the following report of a Minority of the Same Committee,

Mr Speaker,

Your Committee Consisting of Cayuga Delegation to whom was referred Bill No. 75 which was referred to the Cayuga Delegation and which has been under Consideration, We by leave, to make the following report. The Bill authorizing the transcribing of certain records of Cayuga County is evidently necessary and which will be of great benefit to our people. The Books in which said records are now in are in such a bad and worn condition that it is evidently necessary, that said books and records should be transcribed and put in such condition as respectfully of this House to Legislate on the subject of the Committee as referred to this Bill.

We therefore recommend the passage of the Bill

J. M. Norris
E. M. Wilson

H. B. No 22 "An act to create a Board of County Commissioners and to define their duties" being Special order for 2 o'clock P.M. this day.

At 2 o'clock House went into Committee of the Whole to consider H.B. No. 22.

Mr Milnor in the Chair.

At 4, 30 the Committee arose, Speaker in the Chair,

Mr Culver to explain,

Mr Nixon, Chairman of the Committee of the Whole, reported as follows:

Mr Speaker,

Your Committee of the Whole have had under consideration and beg leave to report the same back to the House and recommend its passage as amended.

Report adopted —

Mr Lee moved to reconsider the last —

Mr Anderson offered an amendment to H.B. No. 22 which was adopted —

On motion the Rule as to reading was suspended for 3d reading

Mr Nixon from the Committee,

Executive Department —
Territory of Idaho
Boise City, January 8th, 1875 —

To the House of Representatives

I have this day approved H.B. No 35 — "An act to amend an act entitled an act Concerning Roads and Highways in Boise County. Also, H.B. No 28, An act —

to repeal an act- entitled an act- supplementary to an act- entitled an act- to provide a uniform System of Territorial and County Revenue, and for the assessing and Collecting the Same. Also H. B. No 6, In relation to an appropriation by Congress for the publishing of the Laws

L. W. Bennett
Governor,

Joint- Committee on Conference
Asked leave to report;
Leave being Granted the Committee
Submitted the following report;
Mr Speaker.

The Conference Committee
to whom was referred H. B. No 4, "An
Act- to reapportion the Members of the
Legislative Assembly of Idaho Territory
would most respectfully recommend
that- the House recede from their
Non concurrence to the Council Amend
= ment- and that- they do Concur

On the part- of the House { T. Campbell
J. B. Pierce

On the part- of the Council { John M. Comaday
John McNally

The Question being made the House
recede from its Non concurrence

The House receded from its Non Con=
Currence

On motion of Mr. Anderson, At 4.40 P.M. House adjourned until 10 a.m. Saturday

E. A. Stevens
Speaker House of Representatives

Attest,

J. D. Cahalan
Chief Clerk

Thirty Fourth Day.

House of Representatives
Baton Rouge, La. Jany 9th, 1875.

House met pursuant to adjournment.
Speaker in the Chair.
Roll Called - All present.
Journal of Yesterday read and approved.

Reports of Standing Committees.

Mr Speaker,

Your Judiciary Committee to whom was referred H. B. No 49, "An Act in relation to Contesting elections of members of the Legislature" have examined the same and report the same back and recommend its passage

A. Hilliard
Chairman

Reports of Select Committees

Mr Speaker,

Your Special Committee to whom was referred H. C. Res. No 7 have had the same under Consideration and beg leave to offer the following Resolution as a Substitute.

C. R. Wills
J. Jno Harris
J. C. Bethea
C. P. Nelson
P. Lewis
Wm Lemmon
J. S. Waddell
J. B. Pierce
—Committee.

Substitute to H. B. No 207 in relation to Arms. Read 3d time

The Question being on the adoption of the Substitute

The Ayes and Nays were taken.

Ayes. Messrs Coleny, Columns, Coulter, Hurlburt, Finney, Pierce, Poor, Robbins, Rhett, Steward, Tuttle, White H.R. White J.W. and Mr Speaker - 14

Nays - Messrs Andrews, Baldwin, Campbell, Cone, McCarty, Moore, Nelson, Paddock, Shoup, Sidebottom, and Walworth 11

So the Bill passed
Read by title and referred.

Mr Speaker,

Your Committee on the Code to whom was referred H. B. No 30, "An Act Concerning County Records and Auditors" have had under careful examination the same and beg leave to report the same back to the House and recommend its passage

Pierce
Chairman

Mr Speaker,

Your Special Committee Appointed by the Arkansas Delegation to whom was referred H. B. No 40 "An Act regulating Arkansas and fees of certain officers of Atticus County" have examined the same, and herewith report a Substitute for the same, and recommend the adoption and passage of the Substitute

Sidebottom
& others

Substitute for H. B. No 40 read for information

On the Question "Will the House adopt the Substitute -

The Substitute was adopted

Substitute for H. B. No 40 "An act fixing the fees and Salaries of Certain Officers of Atturas County. Read 1st & 2d time. And on motion of Mr Anderson Rules were suspended. Substitute Considered engrossed, read 3d time and placed upon its passage -

The Question being - Shall Substitute pass?

The Ayes and Nays were taken -

Ayes. Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Hunt, Lunny, Moon, Nelson, Paddock, Poe, Rhett, Shoup, Sidebotham, Stewart, Suthlie, Walrip, J. W. White, C. R. White and Mr Speaker - 22

Nays - Messrs McLeary, Pierce, Robbins 3.

So the Substitute passed.

Read by title and approved.

By leave, Mr Sidebotham introduced H. B. No 52 "An Act to amend an act providing for a Uniform System of County and Territorial Revenue -

Read 1st & 2d time and referred to Committee on Ways & Means -

Message from the Council

Council Chamber
Boise City, Jany 8th, 1895

Mr Speaker.

I am instructed to inform Your Honorable Body that the Council have had under Consideration and passed H.B. No 80 "An Act to restrain the herding of Sheep and respectfully ask the Concurrence of the House thereto. Also.

The Council have had under Consideration and passed H.B. No 8 relating to aid in making Survey of Snake River -

All of which is herewith transmitted -

E. L. Carr
Chief Clerk Council

H. B. No 4 "An Act to reapportion the Members of the Legislative Assembly of Idaho, taken up, and Council Amendments read 3d time ~~and placed upon its passage~~

The Question being - ~~Shall~~ will the House Concur in Council Amendments. The Ayes and Nays were ~~called~~ for by Mssrs Lemp, Pierce and Anderson.

Mr Anderson moved a Call of the House - A Call of the House being ordered the Roll was called - All present except Mr Shoup.

The Sergeant-at-Arms was directed to inform Mr Shoup, who was absent on leave, that - the House required his immediate presence -

Mr Shoup appearing at the Bar on Motion of Mr Pleta, a further call of the House was dispensed with -

The Ayes and Nays were taken Ayes, Mssrs. Baldwin, Campbell, Delany, McCarty, Nelson, Paddock

Pierce, Post, Robbins, Rhett, Stoup
Sicklebottom, Stevens, Guthrie, Waldrip
White G. R. White J. W. and Mr
Speaker. 18-

Nays, Messrs Anderson, Carr, Clemens
Culp, Hunt, Lenny, Moore, 7

So the House Concurred

H. B. No 49 "An Act in relation to Contested elections in the Legislature, was, on Motion ordered engrossed for 3d reading and referred to Engrossing Committee

Co. B. No 75 "An Act to provide for transcribing and indexing Certain Records in Cumpher County" Read 3d time and placed upon its passage.

The Question being Shall the Bill pass?

The Ayes and Nays were taken.

Ayes - Messrs Anderson, Baldwin Campbell, Carr, Cleary, Clemens Hunt, McCarty, Moore, Nelson Paddock, Pierce, Rhett, Stoup Sicklebottom, Stevens, Waldrip White G. R, White J. W. and Mr Speaker - 20

Nays - Messrs Culp, Lenny, Post Robbins and Guthrie - 5

So the Bill passed ...
Read by title and approved

H.B. No 18. "An act to provide for the payment of Witnesses in Criminal Cases"
Read 3d Time and placed upon its passage
The Question Was, "Shall the Bill pass?
The Ayes and Nays were taken. -
Ayes - Messrs Bacon, Clemens, Culp, Hunt, Paddock, Price, Robbins, Rhoda, Sickbottom and White 9. No. 10

Nays Messrs Anderson, Baldwin, Campbell, Cleary, Lamy, McCarty, Moore, Nelson, Pool, Stoup, Stevens, Guthrie Waldrip, White C. R. and Mr Speaker 15.

So the Bill failed to pass.

By leave, the Committee of Ways & Means submitted the following report:
Mr Speaker,
Your Committee of Ways & Means to Whom was referred H. B. No 44. have carefully Considered the same and beg leave to report the same back to the House and recommend the indefinite postponement of the Bill.
However as we are anxious to see the Territory built up in Manufacturing we believe that all private property should bear its equal share of taxation.

McCarty
Chairman

Committee on Enrolled Bills Submitted the following report:
Mr Speaker,
Your Committee on Enrolled Bills have examined and found Correctly enrolled H. B. No 88. "An Act for the better protection of Stock to their rightful owners also, H. B. No 89 "An Act to Provide

the bonds of Matrimony between Catharine Moore and David Moore and hence this day at 11¼ o'clock presented the same to the Governor for his approval.

Pierce
Chairman

H. B. No 44 "An Act to encourage Manufactures, taken up,
On the Question, "Shall the Bill be engrossed for 3d reading
Howe refused to vote
engrossment and 3d reading

H. B. No 45, "An Act to give Indigent persons to secure their rights in Courts of Justice in Idaho Territory -
Read 3d time and placed upon its passage -
The Question being "Shall the Bill pass" The Ayes and Nays were called.
Ayes, Nor Clerk - 1

Nays - Messrs Anderson, Balderree Campbell, Crow, Clemens, Culp Hunt, Linney, McCurdy, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Silsbee Stevens, Truitt, Waldron, White C. R. White, J. W. and Mr Speaker 24;

So the Bill failed to pass.

C. B. No 48, "An Act Concerning County Sheriffs
Read 3d time and place upon its passage -
The Question being "Shall the Bill pass -
The Ayes and Nays were taken -

Ayes - Messrs Anderson, Baldwin, Campbell Cave, Cleary, Clemens, Culp, Hunt, Lunny, McCarty, Moon, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebotham, Steward, ~~Suttle~~, Waldrip White G. R. White J. W. and Mr Speaker 24

Nays - Mr Suttle - 1

So the Bill passed.
Read by title and approved.

C. B. No 30 "An act Concerning County Recorders & Auditors read 3d time and passed upon its passage -

The Question being - "Shall the Bill pass?"

The Ayes and Nays were taken -

Ayes Messrs Anderson, Baldwin, Campbell Cave, Cleary, Clemens, Culp, Hunt, Lunny, McCarty, Moon, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebotham, Steward Suttle, Waldrip, White G. R. White J. W. and Mr Speaker - 25

Nays - None

So the Bill passed
Read by title and approved.

C. B. No 80 "An act restraining the hunting of Quail",
Read 1st & 2d time and referred to Committee on Agriculture.

On Motion of Mr Moon, at 11, 50, House to recess until 2, P. M.

Afternoon Session.

House met pursuant to Adjournment.
Speaker in the Chair.
Roll Called. All present except Mr Jones
Clemens Hunt. Rhett, Stewart and
White J. W.

Judiciary Committee

Mr Speaker.

Your Committee to whom
was referred H. B. No 57 "An Act relating
to District Attorneys and defining their duties
having examined the same hereby report
the same back and recommend it passage

Anderson
Chairman

On Motion the Bill was ordered
engrossed for 3d reading and
referred to Engrossing Committee

Special Committee on Code
submitted the following report.

Mr Speaker,

Your Committee on the
Code to whom was referred H. B. No 23
"An Act Concerning Crimes and punishments
have carefully considered the same
and beg leave to report the same
back to the House with Amendments
and recommend its passage as Amended

On Motion 1st Amendment was adopted
Also,

Amend after Section 75 in
inserting an additional Section
to be numbered 76, and number

the remaining Sections to Correspond
All of which is respectfully submitted

Pierce.
Chairman

On Motion 2d Amendment was adopted
and remaining Sections numbered to
Correspond

S. B. No 23 "An Act Concerning Crimes
and punishments"
Read 3d time and placed upon its
passage -
The Question being - "Shall the Bill
pass?"
The Ayes and Nays were taken -
Ayes Messrs Anderson, Baldwin, Campbell
Case, Cleary, Clemens, Culp, Hunt,
Lunny, McCarty, Moon, Nelson,
Paddock, Pierce, Pool, Robbins,
Rhutt, Stroup, Sidebottom, Steward
Guthrie, Waldrip, White & R. White
J. W. and Mr Speaker 26

Nays - None,
So the Bill passed,
Read by title and approved.

Special Committee Consisting of
Gwynn Delegation submitted the
following Report:

Mr Speaker,
The Delegation
from Gwynn to whom was referred S.
B. No 66. have had the same under
Consideration and beg leave to report
the same back to the House with the
following Amendments - Moon
Pool, Culp
and
Hunt -

On Motion the Amendments recommended by the Committee were severally adopted.
The Bill, As amended was read 3d time and passed upon its passage.
The Question being - "Shall the Bill pass?" The Ayes and Nays were taken
Ayes - Mssrs Anderson, Baldwin, Campbell, Carr, Delaney, Clemens, Gault, Hunt, Lowry, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebottom, Steward, Guthrie, Waldrip, White C. R. White J. W. and the Speaker - 25

Nays - None

So the Bill passed
Read by title and approved.

Committee on Engrossed Bills made the following report -
"Mr Speaker, Your Committee on Engrossed Bills have examined and find Correctly engrossed H. B. No 57

Baldwin
Chairman

H. B. No 57. An Act relating to District Attorneys,
Read 3d time and passed upon its passage.
The Question being "Shall the Bill pass?" The Ayes and Nays were taken
Ayes - Mssrs Anderson, Baldwin, Campbell, Carr, Delaney, Clemens, Gault, Hunt, Lowry, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Shoup, Sidebottom, Steward, Guthrie, Waldrip, White C. R. White J. W.

And Mr Speaker— &c—

Nays - None

Ordered to the Bill passed
Read by title and approved.

Judiciary Committee made the following report:

Mr Speaker.

Your Committee on Judiciary and Mining Affairs to whom was referred H.B. No 49, "An act Concerning right of way, tunnels and other necessary means for the development of mines", have had under consideration the same and are of the opinion that such a law is necessary and that it is not covered by the present Mining laws and therefore, they recommend the passage of the bill.

On the part of Jud. Com } Anderson
" " " " Mining Affairs } J. W. White

On Motion, Rules were suspended, Bill Considered engrossed, read 3d time and placed upon its passage —

The question being "Shall the Bill pass?
The ayes and nays were taken —
Ayes — Messrs Anderson, Baldwin, Campbell, Delany, Culp, Lyons, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Robbins, Shoup, Silebottom, Tuttle, Waldrip, and White J. W. 18.

Nays - Messrs Cave, Clemens, Hunt, Rhett, Steward, White G. R. and Mr Speaker - 5.

So the Bill passed
Read by title and approved

By leave, Mr Anderson introduced
H. B. No 53 "An Act to amend an
Act providing for a Uniform System of
County and Territorial Revenue -
Read 1st & 2d time and referred to
Special Committee to revise the
Revenue Laws, and,
On Motion of Mr
Anderson, the Committee was instructed
to report the Bill back to the House
on Monday next

Messages from the Council

Council Chamber
Boise City Jany 9th 1875

Mr Speaker

I am instructed to inform
your honorable body that the Council have
had under Consideration and passed
H. Substitute for H. B. No 33 "An
Act to Change the Name of Kate
Alexander, also,
H. B. No 81 "An Act
Compensating J. C. Bernard also,
H. B. No 83 "An Act to regulate the
Catching of fish in the Counties of
Ouida called Bear Lake, also,
H. B. No 34, as amended, "An Act
relative to Elections and have in-
Corporated therein the provisions of
House Bills Nos 86 & 87 and H. B.
No 36 & 87 indefinitely postponed the
Council respectfully ask the Concurrence
of the House thereto.
also, the Council
have had under Consideration H. B. No 46
An Act Supplementary to an Act entitled

an Act relative to Money of Accounts and citizens indefinitely postponed On Roll—

E. J. Carr,
Chief Clerk of Council

Mr Cave introduced H. B. No 54 "An act to amend an Act relative to Elections Read 1st & 2d time and referred to Committee on Elections—

Mr Baldwin introduced H. B. No 55 "An Act to preserve the purity of Elections Read 1st time

Mr Hunt objected to 2d reading. The Question being "Shall the House proceed to the Bill

The House refused to reject 2d time and referred to Committee on Elections—

H. B. No 81, "An act to Compensate J. L. Bernard for Services rendered. Read 1st time,

2d reading objected to—
The Question being "Shall the Bill be rejected?

The Bill was rejected.

H. B. No 83 "An act to regulate the Catching of fish in Oneida County, and Bear Lake Counties.

Read 1st and 2d times and referred to delegation from Oneida & Bear Lake Counties,

Delegation reported the Bill back recommending its immediate passage

On motion Rules were suspended, Bill Considered engrossed, read 3d time and placed upon its passage The Question being "Shall the Bill pass" The Ayes and Nays were taken Ayes - Mssrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Hunt, Lenny, McCarty Moore, Nelson, Paddock, Pence Pool, Stroup, Sullenbarger Steward, Suthrie, Waldrip White C. R. White J. W. and Mr Speaker - 23

Nays - Mr Rhett - 1

So the Bill passed Read by title and approved,

C. B. No 54. "An Act relative to elections,

Read 1st & 2d times and referred to Committee on Cooks.

On Motion of Mr Pence the Clerk was instructed to read Bills Book

On Motion of Mr Pence the Idaho Delegation was instructed to report C. B. No 71 back to the House on Monday Morning Next.

On Motion of Mr Baldwin, at 3.30 P.M House adjourned until Monday Next

E. A. Stevenson
Speaker House of Representatives

Attest, L. D. Chisholm
Chief Clerk

Thirty Sixth Day.

House of Representatives.
Boise City, I.T. Jany 11th, 1875.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called - All present - except Messrs Campbell, McCarty & Shoup -
Journal of Yesterday read and approved.

Message from the Council.

Council Chamber.
Boise City, Jany 11th 1875.

Mr Speaker.

I am instructed to inform your honorable body, that the Council have had under Consideration and passed H.B. No 40, "An act regulating Salaries and fees of Certain officers in Alturas County -

Also,

the Council have had under Consideration and passed H. B. No 32, "An act regulating Divorces, and respectfully ask the Concurrence of the House, thereto.

Also,

the Council have had under Consideration and indefinitely postponed H.B. No. 48 "An act to Compel Miners and others who sink shafts and make excavations to fence in or file up the Same

E. J. Carr
Chief Clerk of Council

Reports of Standing Committees.

Mr Speaker.

Your Judiciary Committee to whom was referred H. B. No 20 "An Act to Authorize a Recanvass of the Vote for Delegate in Congress." have had the same under consideration and report the same back and recommend that it be indefinitely postponed

Anderson
Chairman

Mr Speaker,

Your Committee on Education to whom was referred H. B. No 7. beg leave to report that the provisions of said Bill have been incorporated in the General School Law - Therefore we would recommend that any further consideration of the Bill be indefinitely postponed

Waldrip
Chairman

Mr Speaker

Your Committee on Enrolled Bills have examined and found correctly engrossed H. Bs Nos 22. 49 & 50.

Balcomb
Chairman

Mr Speaker.

Your Committee on Enrolled Bills have examined and found correctly enrolled H. B. No 4. and January 6th at 5 o'clock P. M. delivered the same to the Governor for his approval Also. H. B. No 31 and this day at half past 9 o'clock A. M. presented the same to the Governor for his approval, Also

H. M. No 8 and on January 9th,

at 5 o'clock P.M. presented the same to the Governor for his approval

Pierce
Chairman,

Mr Speaker.

Your Committee to whom was referred H. B. No 80 have had the same under consideration and beg leave to offer the following amendment; That Section 4th Shall read "This act to be applicable to Ottawas Ada, and Boise counties only" and recommend its passage

L. R. White
Chairman.

H. B. No 22 "An act to regulate divorces Read 1st & 2d time and refered to the Committee on Code,

Introduction of Bills.

By leave, Mr Pierce introduced H. B. No 56. "An act to amend an act for the better observance of the Sabbath Day,
Read 1st & 2d time,
Mr Pierce moved a Suspension of Rules —
Motion lost.
The Bill was then refered to Committee on Education.

By leave, Mr Culp introduced H. B. No 57. "An act to Amend an act to regulate the Collection of Revenue in, and to provide Certain funds for Owyhee Co.
Read 1st & 2d time, and
On Motion of Mr Moon the Rules Suspended., Bill Considered engrossed, Read 3d time and placed upon its passage
The Question being — "Shall the Bill pass?
The Ayes and Nays were taken.
Ayes, Messrs Anderson. Baldwin.

Leavo, Loleny, Clemens, Culp, Hunt, Lunny, Moon, Nelson, Paddock, Pierce, Pool, Robbins Rhett, Sidebotham, Stewart, Luthill, Waldrip, White C.R, White J. W. and Mr Speaker - 23

Nays - None

So the Bill passed.
Read by title and approved.

By leave, Mr Lunny introduced H.B. No 58. "An Act for the better protection of invalids."

Read 1st & 2d time and referred to Committee on Territorial Affairs.

By leave, Mr Clemens introduced H.B. No 59 "An Act supplementary to an Act reapportioning the Members of the Legislative Assembly of Idaho."

Read 1st & 2d time

Moved by Mr Clemens that the Rules be Suspended, Bill Considered engrossed, read 3d time and placed upon its passage -

Motion Lost -

Bill referred to Committee on Territorial Affairs.

By leave, Mr Waldrip introduced H.B. No 60 "An Act relative to County officers and regulating their fees and Salaries, in Nez Perce County."

Read 1st & 2d time, And on Motion of Mr Cleary, the Rules were Suspended Bill Considered engrossed, read 3d time and placed upon its passage -

The Question being - Shall the Bill pass?

The Ayes and Nays were taken

Ayes. Messrs Anderson, Baldwin, Carr, Cleary, Clemens, Culp, Hunt, Lemmy, Moon, Nelson, Paddock, Pierce, Pool, Robbins, Rhett, Sidebotham, Stewart, Suttle, Waldrip, White C.R. White J.W. and Mr Speaker. 22

Nays - None

So the Bill passed,
Read by title and approved.

H. B. No 80 "An Act to restrain the herding of Sheep, Amendment read, and on Motion the Amendment was adopted.
Bill read 3d time and placed upon its passage.
The Question being - "Shall the Bill pass?
The Ayes and Nays were taken
Ayes - Messrs Anderson, Clemens, Culp, Hunt, Moon, Nelson, Pierce, Pool, Sidebotham, Stewart, Waldrip and White C.R. 12

Nays - Messrs Baldwin, Carr, Cleary, Lemmy, McCarty, Paddock, Robbins Rhett, Suttle, White J.W. and Mr Speaker. 11 -

So the Bill passed
Read by title and approved.

H. B. No 50, "An Act Compelling the Attendance of Members of the Legislative Assembly"
Read 3d time and placed upon its passage.
The question being - "Shall the Bill pass?
The Ayes and Nays were taken
Ayes - Messrs Anderson, Baldwin, Carr, Cleary, Clemens, Moon, Paddock

Pierce, Pool, Robbins, Rhett,
Sidebottom, Guthrie, Waldrip and
Mr Speaker. 15

Nays Mssrs Culp, Hunt, Lamey, Nelson
Stevens, White E. R and
White J. M. 7.

H. B. No 49. "An Act in relation to
Contested Election of Members of the
Legislative Assembly,
Read 3d time and passed upon its
passage."

The Question being "Shall the
Bill pass?"

The Ayes and Nays were taken

Ayes - Mssrs Anderson. Baldwin, Cove,
Lamey, Clemens. Culp, Hunt
Lamey, Moore, Nelson, Paddock,
Pierce, Pool, Robbins, Rhett, Sidebottom
Stevens, Guthrie, Waldrip, White E. R,
White J. M. and Mr President, 22

Nays - None.

So the Bill passed
Read by title and approved.

Message from the Council,

Council Chamber
Boise City, Jany 11th, 1875

Mr Speaker,

I am instructed to inform your
honorable body that the Council have had
under Consideration and passed
E. B. No 37,
"An Act - Concerning Criminal Cases"
Also,
Have passed H. B. No 23, "An Act
to dissolve the bonds of Matrimony between
Lydia Ann, Patten and Green E. Patten

which is herewith transmitted,

Also.

The Council have indefinitely postponed H.B. No 15 "An act relating to Commissioners of Idaho County.

E. J. Carr
Chief Clerk of Council

H.B. No 7 "An act to amend an act relating to County officers".

On Motion the Bill was indefinitely postponed

H.B. No 32. "An act Creating a Board of County Commissioners for the several Counties of Idaho. and defining their duties.

Read 3d time and placed upon its passage

The Question being "Shall the Bill pass?

The Ayes and Nays were taken Ayes. Messrs Anderson, Baldwin, Case Cleary, Clemens, Culp, Lemp, McCarty, Moon, Nelson, Packard Pierce, Pool, Robbins, Rhett, Sidebotham, Stevens, Tuttle, Waldrop White C.R, White J.W. and VanSpanen 21

Nays - Mr Hunt - 1

So the Bill passed
Read by title and Approved.

C.B. No 57. "An Act to regulate proceedings in Criminal Cases in Courts of Justice in Idaho Territory"
Read 1st & 2d time and referred to Committee on Code,

On Motion of Mr Robbins at 11.20 a.m. House took a recess until 2 o'clock P.M.

Afternoon Session.

House met pursuant to adjournment, Speaker in the Chair.
Roll called - All present - except - Messrs Robbins & Rhett.

On Motion of Mr Pierce, Special Committee Consisting of Delegation, was Granted until Tuesday morning 10 o'clock to report back to the House

The Joint Special Committee to revise the Revenue Laws submitted the following report:

Mr Speaker.

The Joint Committee appointed to revise the Revenue Laws have had the same under Consideration and have prepared a Bill which will, to day, be introduced in the Council

J. Campbell
Geo. L. Shrugh
J. H. McCarley } House Com.

J. W. Conaday } Council Com.

Committee on Enrolled Bills Submitted the following report:

Mr Speaker.

Your Committee on Enrolled Bills have examined and Correctly enrolled H. B. No 4 An Act to reapportion the Members of the Legislative Assembly of Idaho Territory and have this day at half past one o'clock, presented the same to the Governor for his approval

Pierce
Chairman

Message from the Governor.

Executive Department
Territory of Idaho
Boise City, Jany 9th, 1875

To the House of Representatives,

I have this day approved H. B. No 39 An Act to dissolve the bonds of Matrimony between Catharine Moon and David Moon" Also,

H. B. No 33,

An Act for the better protection of Stock to their rightful owners" Also,

H. B. No 41,

"An Act for the protection of Growing Crops" Also,

H. B. No 8, An Relation to the navigation of Snake River"

L. W. Bennett
Governor.

Special Committee on the Code made the following report:

Mr Speaker,

Your Committee on the Code to whom was referred H. B. No 42 an act- Concerning the writ of Habeas Corpus have examined the same and beg leave to report the same back to the House and recommend its passage -

Also,

H. B. No 38, "an act to exempt the Homestead and other property from forced sale in Certain Cases", Also,

H. B. No 52 "an act- Regarding Divorces"

Also

H. B. No 54 "an act- Relative to elections" and beg leave to report the same back to the House and recommend their passage. Also

We have examined H. B. No 53 and beg leave to report the same back to the House with Amendments and recommend its passage with Amendments (Amend by Striking out the words "fifteen hundred" in 5th line of Council Amendments and insert- "One thousand", to Section 5. Also,

Strike out- Section 6 and insert- "Substitute"-

all of which is respectfully Submitted

Price
Chairman

Select-Committee Consisting of Boise County Delegation made the following report:

Mr Speaker,

Your Committee consisting of the Boise County Delegation to Whom was referred H. B. No 32 "An Act-entitled an act-concerning Toll Roads in Boise County"- have had the same under consideration would report the same back with certain amendments and recommend its passage As amended

W. G. Lemmy
Chairman

Mr Speaker,

Your Committee to Whom was referred H. B's. Nos 54 & 55. report the same back to the House without recommendation

W. G. Lemmy
Chairman

H. B. No 53. "An Act-relating to District Attorneys taken up,

The Question being on the adoption of the 1st Amendment proposed by the Committee- The Amendment was lost-

The Question being upon the adoption of the 2d Amendment-, which was adopted

The Bill was read 3d time and placed upon its passage -

The Question being "Shall the Bill pass?

The Ayes and Nays were taken

Ayes - Messrs Anderson, Baldwin Campbell, Case, Cleary, Clemens Leilly, Hunt, Lemmy, McCarty Moore, Nelson, Paddock, Poor, Robbins, Rhett, Shoup, Sidebotham Stevens, Guthrie, Waldorf, White C. R. White J. W. and Mr Speaker - 22

Nays - Mr Pierce - 1

So the Bill passed
Read by title and approved.

C. B. No 42 "An Act Concerning the Writ of Habeas Corpus,
Read 3d time and placed upon its passage -
The Question being "Shall the Bill pass? The Ayes and Nays were taken Ayes - Messrs Anderson, Baldwin Campbell, Case, Cleary, Clemens Culp, Hunt, Lamy, McCarty Moore, Nelson, Paddock, Pierce Pool, Rhett, Shoup, Sidebotham Steward, Guthrie, Waldrip, White G. W. and Mr Speaker - 22

Nays - None

So the Bill passed
Read by title and approved

C. B. No 38, "An Act to exempt Homesteads and other property from forced Sale in certain Cases,
Read 3d time and placed upon its passage
The Question being "Shall the Bill pass? The Ayes and Nays were taken - Ayes: Messrs Anderson, Baldwin Campbell, Case, Cleary, Clemens Culp, Hunt, Lamy, McCarty Moore, Nelson, Paddock, Pierce Pool, Rhett, Shoup, Sidebotham Steward, Guthrie, Waldrip, White L. R. White G. W. and Mr Speaker 22

Nays - None

So the Bill passed
Read by title and Approved,

S. B. No 32, "An act regulating divorces"
Read 3d time and placed upon its passage
The Question being "Shall the Bill pass?
The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin Campbell,
Cave, Cleary, Clemens, Culp, Hunt,
Lunny, McCarty, Moon, Nelson, Paddock,
Pierce, Pool, Rhett, Shoup, Sidebotham
Stevens, Guthrie, Waldrip, White S. R.
White J. and Mr Speaker, 24

Nays - None

So the Bill passed
Read by title and approved,

S. B. No 34, "An act relative to elections
Read 3d time and placed upon its
passage,
The Question being "Shall the Bill pass?
The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell
Cave, Cleary, Clemens, Culp, Hunt-
Lunny, McCarty, Moon, Nelson,
Paddock, Pierce, Pool, Rhett,
Shoup, Sidebotham, Stevens,
Guthrie, Waldrip, White S. R. White
J. W. and Mr Speaker - 24

Nays - None -

So the Bill passed,
Read by title and approved,

General File.

H. B. No. 55 An act to insure the purity of the Elections,

On Motion the Bill was ordered Engrossed for 3d reading -
Referred to Engrossing Committee.

H. B. No 54 "An act to Amend an act relation to Elections, was on motion ordered Engrossed for 3d reading -
And transferred to Engrossing Com.

H. B. No 32. "An act Concerning Toll Roads in Boise County
Referred to Boise County delegation

Mr Speaker

Your Committee on Education to whom was referred H. B. No 56, report the same back without recommendation

Waldrip
Chairman

Mr Speaker,

The Minority Committee on Education to whom was referred H. B. No 56. recommend the passage of the Bill

Pierce

H. B. No 56, An act to Amend an act for the better observance of the 1st day of the week, Generally Called the Sabbath.

Mr Cleary moved to print the Bill printed,

Motion lost.

Moved by Mr Prince, Rules be suspended. Bill considered engrossed and placed upon its passage.

Motion lost.

On Motion the Bill was ordered engrossed for 3d reading

Referred to Engrossing Com.

Special Committee Consisting of Boise County delegation reported as follows:

Mr Speaker,

Your Committee Consisting of the Boise County delegation to whom was referred H. B. No 4, entitled an Act fixing the fees and Salaries of Certain Officers of Boise County, report Bill back to the House and recommend indefinite postponement.

M. G. Lemp
Chairman

H. B. No 74 "An Act fixing fees and Salaries of Certain Officers of Boise County taken up.

The Question being upon the indefinite postponement of the Bill.

The Bill was indefinitely postponed.

Mr Speaker.

I Move that Your Committee on Territorial Affairs, be requested to report to this House H. B. No 59 and that the Same be referred to a Committee of one number from each of the respective Counties - to wit - Ada, Lemhi & Oneida to be selected by the Speaker

Clemens

The Resolution was adopted.

The Committee on Territorial Affairs was instructed to report the Bill back to the House.

In accordance of the requirements of the Resolution, the Speaker appointed Mrs. Clemens, Anderson, Shoup a Committee to report upon H. B. No 59.

Mr Anderson introduced H.B. No 61 "An Act relative to Probate Courts" Read 1st & 2d time and referred to Judiciary Committee

On Motion of Mr Campbell at 3 P.M. House adjourned

E A Stevenson
Speaker House of Representatives

Attest
J D Cochran

Thirty Seventh Day

House of Representatives
Boise City, I. T. Jany 12th, 1875.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called - All present - Mess Robbins and McCarty.
Journal of Yesterday read and approved.

Message from the Council.

Council Chamber
Jany 12th, 1875.

Mr Speaker.

I am instructed to inform your Honorable body that the Council have passed the following bills, which are herewith transmitted and Respectfully ask the Concurrence of the House therein;

C. B. No 85 an act entitled An act Concerning Grand and Petit Jurors"

Also,

C. B. No 86 An act to amend an Act regulating Mining Claims,

Also,

C. B. No 87, "An act to empower Hon H. E. Pickett to act as commissioner on revised and Compiled Laws of Idaho Territory, Also,

C. B. No 88 "An act to amend an act entitled an act to provide for the better observance of the Sabbath Day,

Also,

The Council have had under Consideration and passed H. B. No 51, An act relating to District Attorney and defining their Districts, Also,

H. B. No 26, "An act to provide for the incorporation of Miners Union

and laid the same on the table.
Also.

the Council have indefinitely postponed H. B. No 5. An Act relating to Ship Surveying

Also.

the Council rejected H. B. No 50, "An Act Compelling the attendance of Members of the Legislative Assembly of Idaho Territory.

E. J. Carr
Chief Clerk of Council

Reports of Standing Committees

Mr Speaker.

Your Judiciary Committee to whom was referred H. B. No 61 An Act defining the Jurisdiction and Practice of the Probate Courts of this Territory in Civil and Criminal Cases," report the same back and recommend its passage-

Anderson
Chairman

Mr Speaker.

Your Committee of Ways and Means to whom was referred H. B. No 52 report the Bill and recommend its indefinite postponement, for the reason that the provisions of the Bill have been engrafted in the Revenue Act.

McCarty
Chairman

Mr Speaker.

Your Committee of Ways and Means to whom was referred H B No 53 report the same back to the House and recommend it be indefinitely postponed, for the reason that the provisions of the Bill have been engrafted in the Revenue act

Mc Cosky
Chairman

Mr Speaker.

Your Committee on Engrossed Bills have examined and found correctly engrossed H. B.s Nos 54, 55, 56 & 60.

Baldwin
Chairman

Mr Speaker.

Your Committee on Territorial Affairs to whom was referred H. B. No 70 "An Act to amend Boise City Charter, recommend its passage.

Shoup.

Mr Speaker.

Your Committee on Territorial Affairs to whom was referred H. B. No 58, An Act for the better protection of invalids, report the same back and recommend its passage.

Robbins
Chairman

Mr Speaker.

Your Committee on the Code to whom was referred H. B. No 57, find it to be the same as our present laws on the same subject, we report the Bill back to the House and recommend its passage

Piper
Chairman

The Special Committee Consisting of Idaho delegation asked leave to report H. B. No 71 back to the House without recommendation

Special Committee of one from each County, to wit. Alturas, Lemhi and Oneida report as follows

Mr Speaker.

Your Committee to whom H. B. No 59 was referred have with submit a Minority report and recommend its passage upon the ground here in Stated first - That Oneida County has a greater voting population than both Lemhi and Alturas Counties Combined (except in this House) And Secondly, That Oneida County pay yearly into the Territorial Treasury Revenue than Lemhi and Alturas Combined

Clemens

Mr Speaker.

Your Committee to whom was referred H. B. No 59, report that, I Cannot see why the Change asked for Should be made - I see by referring to the Controller's report that in the Year 1873 the County of Oneida Paid 293 Poll Tax - In the Year 1874 the County of Oneida Paid 223, a loss of 25 per Cent - during the present Session of the Legislature the County of Oneida has been divided, taking therefrom the County of Bear Lake if the population Subject to pay poll Tax have been equally divided between Oneida and Bear Lake Counties it will give 112½ persons in each County subject to pay Poll Tax, Taking these facts into Consideration, I recommend that the Bill be indefinitely postponed.

S Thorp

Mr Speaker.

As one of Your Special Committee to whom was referred H. B. No 59 "To reapportion the Members of the Legislative Assembly for the Counties of Owyhee, Lemhi and Alturas" As a Representative from Alturas County, I cannot consent to the Bill and have my County lose a Member I, therefore, report the Same back without recommendation, and ask the House to decide the Question.

Anderson of Alturas

H. B. No 85 An act to Amend an Act Concerning Grand and Petit Jurors" Read 1st & 2d time and referred to Judiciary Committee.

H. B No 86 "An act to Amend an Act Concerning Gold & Silver Quartz Lodes", Read 1st time and on Motion of Mr Denny the enacting Clause was Stricken out—

H. B. No 87 "An act to Authorize H. E. Pickett to act as a Commissioner on the Revised Code of Laws of Idaho" Read 1st & 2d Time and referred to Engrossing Committee

H. B. No 88 An Act to provide for the better observance of the Sabbath day" Read 1st & 2d Time and referred to Ada County delegation—

H. B. No 89 An Act Supplementary to an Act to Reapportion the Members of the Legislative Assembly of Idaho. On Motion the Bill was ordered and Engrossed for 3d reading and Referred to Engrossing Committee

H. B. No 56. "An Act to Amend an act for the better observance of the First day of the Week Generally Known as the Sabbath day,"

Read 3d time and placed upon its passage.

The Question being "Shall the Bill pass?" The Ayes and Nays were taken -

Ayes - Messrs Anderson, Carr, Cleary, Clemens, Cudlip, Hunt, McCarty, Pierce, Pool, Rhett, Stewart, Guthrie, Waldrip, White C. R. 14

Nays - Messrs Baldwin, Campbell, Lyney, Moore, Nelson, Paddock, Shoup, Sidebotham, White J. W. and Mr Speaker. 10

So the Bill passed
Read by title and approved

Mr Cleary gave Notice that on tomorrow he would move to reconsider the vote by which H. B. Nos 56 was passed

H. B. No 71 "An Act to Change the Name of Land, Johnson Brown & Roe" was on Motion ordered engrossed for 3d reading

Refered to Engrossing Committee

H. B. No 55 An Act to preserve the purity of Elections

Read 3d time and placed upon its passage

The Question being Shall the Bill pass?

The Ayes and Nays were taken -

Ayes Messrs Anderson, Baldwin, Cleary, Culp, Moore, Nelson, Paddock Pool, Sidebotham, Waldrip and Mr Speaker - 12 -

Nays - Messrs Campbell, Love, Hunt, Lowry, McCarty, Pierce, Rhett Shoup, Steward, Suthlie, White G, R, and White G. W. 12

So the Bill failed to pass -

H. B. No 54, "An Act - Supplementary to an Act relating to elections. Read 3d time and placed upon its passage

The Question being Shall the Bill pass? The Ayes and Nays were taken

Ayes: Messrs Anderson, Baldwin Campbell, Love, Cleary, Culp McCarty, Moore, Nelson, Paddock Pierce, Pool, Rhett, Sidebottom Waldrip and Mr Speaker. 16

Nays - Messrs Clemens, Hunt, Lowry, Shoup, Steward, Suthlie, White G, R, and White G. W. 8 -

So the Bill passed

Read by title and approved

H. B. No 52 An "Act - to amend an act - to provide a Uniform System of County and Territorial Revenue" was On Motion of Mr Pierce temporarily laid upon the table -

H. B. No 53 "to Amend General Revenue Law, was, on Motion of Mr Anderson - laid on the table -

H. B. No 58 "An Act for the better protection of invalids, was. On motion ordered engrossed for 3d reading

Referred to Engrossing Com.

S. B. No 70 "An Act to Amend an Act to incorporate Boise City

Read 3d time and placed upon its passage.

The Question being - "Shall the Bill pass?" The Ayes and Nays were taken -

Ayes. Mess Anderson, Baldwin, Campbell, Leave, Cleary, Clemens, Gunn, McCarty, Moon, Nelson, Paddock, Pierce Pool, Rhett, Shoup, Sidebotham Steward, Truthile, Waldrip, ~~White C.R.~~ White J. W. and Mr Speaker - 20

Nays Mess Culp, Hunt, and White C. R. - 3.

So the Bill passed.
Read by title and approved.

H. B. No 61. An Act defining the Jurisdiction and practice of Probate Courts",

On Motion of Mr Leave, referred to a Special Committee of one from each County, and the Committee instructed to report at 2 o'clock

Committee,

McCarty
Sidebotham
Leave
Clemens

Waldrip
Rhett
Truthile
Nelson.

C. B. No 51. "An act to regulate proceedings in Criminal ... cases in Courts of Justice in Idaho -

Read 3d time and placed upon its passage.

The Question being "Shall the Bill pass?"

The Ayes and Nays were taken.

Ayes - Mess Anderson, Baldwin, Campbell Carr, Chaney, Clemens, Culp, Harris Linney, McCarty, Moon, Nelson Paddock, Pierce, Pool, ~~Robbins~~, Rhett Shoup, Sickbottom, Steward, Guthrie Waldrip, White C. R. White J. W. and Mr President, 24

Nays - None

So the Bill passed.

Read by title and approved.

Mr Speaker.

Your Committee on Engrossed Bills have examined and found correctly engrossed H. B. No 59.

Baldwin
Chairman

By leave, Mr Moon introduced H. B. No 62 an act relating to the Milage of the Sheriff of Owyhee County

Read 1st & 2d time and referred to Owyhee delegation -

By leave, Mr Paddock introduced H. B. No 63 "an Act Concerning Toll Roads, Bridges and Ferries in Ada County,

Read 1st & 2d time and on Motion of Mr Linney, the Rules were Suspended, Bill Considered engrossed, Read 3d Time and placed upon its passage,

The Question being "Shall this Bill pass?

The Ayes and Nays were taken
Ayes Messrs Anderson, Baldwin, Campbell
Cave, Cleary, Clemens, Culp, Hunt,
Lenny, McCarty, Moon, Nelson,
Paddock, Pierce, Pool, Rhett, Skoup
Sidebottom, Steward, Guthrie, Waldrip
White G. R. White J. V. and Mr Speaker
24

On Motion of Mr G. R. White, at 11.20 a.m.
House took a recess until 2 P. M.

Afternoon Session.

House met pursuant to adjournment—
Speaker in the Chair.
Roll Called - All present - except - Messrs
Baldwin, Paddock & Pierce -

H. B. No 59 "An act - Supplementary to an
act - to reapportion the Members of the Legis-
lative Assembly of D. T.
Read 3d time and stand upon
its passage -
The Question being "Shall the Bill
pass?
The Ayes and Nays were taken
Ayes - Messrs Cave, Clemens, Culp, Hunt
Lenny, Moon, Paddock, Pool,
White J. V. and Mr Speaker 10

Nays - Messrs Anderson, Baldwin, Cleary
McCarty, Nelson, Rhett, Skoup,
Sidebottom, Steward, Guthrie, Waldrip
and White G. R. 12

So the Bill failed to pass.

Message from the Council.

Council Chamber
Boise City, Jany 12th, 1875

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under Consideration and passed,

C. B. No 91 An act to dissolve the bonds of Matrimony between Sarah A. and J. C. Baldwin,

Also

had under Consideration and passed as amended, H. B. No 1 "An act to establish a Public School System &c

which is herewith transmitted

E. J. Carr
Chief Clerk of Council

Mr Speaker,

Your Special Committee to whom was refered H. B. No 61 "An act defining Jurisdiction and practice of the Probate Courts of this Territory in Civil and Criminal Cases, recommend the passage of the Bill as amended

Mc Carty
Chairman

Mr Speaker.

Your Special Committee to whom was referred H. B. No 62 report the same back and recommend its passage.

Pool
Ralph
Hunt
Moon

Mr Speaker.

Your Committee on Enrolled Bills have examined and found correctly enrolled H. B. No 51. An Act relating to District Attorneys and defining their districts" and this day at a Quarter past 1 o'clock P. M delivered the same to the Governor for his Approval

Price
Chairman

H. B. No 62 "An Act relating to Milage of the Sheriff of Gwynn Co. taken up

On Motion the Rules were suspended Bill Considered engrossed. Read 3d time and placed upon its passage

The Question being "Shall the Bill pass?"

The Ayes and Nays were taken -

Ayes - Messrs Anderson, Baldwin Clemens, Campbell, Carr Cleary, Ralph, Hunt, Lemmy McCarty, Moon, Nelson, Paddock Price, Pool, Rhett, Shoup Sidebotham, Stewart, Luther Waldrip, White G. R, White J. W. and Mr President 24 -

Nays - None

So the Bill passed
Read by title and approved

H. B. No 61 "An Act defining Jurisdiction and practice of Probate Courts in Idaho." On Motion

The 14th Section was stricken out and the Substitute proposed by the Committee inserted as Section 14 and adopted.

On Motion of Mr Anderson the Rules were Suspended, Bill Considered engrossed, read 3d time and placed upon its passage.

The Question being "Shall the Bill pass?"

The Ayes and Nays were taken -

Ayes, Mssrs Anderson, Cain, Culp, Hunt, Lamey, McCarty, Moon, Nelson, Paddock, Pierce, Pool, Rhett, Silebottom, Steward, Zuthill, Waldrip, White C.R. White J.W. and Mr Speaker, 20

Nays Mssrs Campbell, Clemens, Sharp 3.

So the Bill passed

Read by title and approved.

H. B. No 71 "An Act to Change the Name of Carl. John Brun Skook"

Read 3d time and placed upon its passage.

The Question being "Shall the Bill pass?"

The Ayes and Nays were taken

Ayes, Mssrs Anderson, Baldwin, Campbell, Cain, ~~Cotany~~, Clemens, Culp, Hunt, Lamey, McCarty, Moon, Nelson, Paddock, Pierce, Pool, Rhett, Sharp, Silebottom, Steward, Zuthill, Waldrip, White C.R. White J.W. and Mr Speaker. 22

Reps - Mr Delany - 1

So the Bill passed
Read by title and approved.

Message from the Council.

Council Chamber
Boise City, Jany 12th, 1875

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under Consideration and passed

C. B. No 89 "An Act defining the place of residence of the District Attorney of District No 2"

Also

C. C. R. No 12 relating to the Code Bills,

And respectfully ask the Concurrence of your honorable body thereto

E. J. Lamm
Chief Clerk of Council

On Motion of Mr Anderson House Rule No 34 was suspended.

C. B. No 91. "An Act to divorce Sarah A. Baldwin from James C. Baldwin
Read 1st time, &

Mr Lowe, objected to the 2d reading.

On the Question, "Shall the Bill be rejected.

The House refused to reject.

Bill read 2d time, and,
on Motion of Mr Anderson the Bill was referred to the Judiciary Committee

H. B. No 1, "An act to establish a public School System and to provide for the maintenance of the Same, taken up, and Council Amendments thereto read, and on motion, the Amendments were Concurred in except the 7th & 18th,

My Hon. Committee on Engrossed Bills made the following report:

Mr Speaker,

Your Committee on Engrossed Bills have examined and found Correctly engrossed H. Bill No 5

Baldwin
Chairman

Mr Speaker,

Your Committee on the Code to whom was referred S. B. No 87 ... report the Same back to the House with a Substitute and recommend the passage of the Substitute.

J. B. Pierce
Chairman

H. Substitute for S. B. No 87, "An act to Authorize R. B. Johnson, H. E. Prickett & E. J. Curtis to act as a commission to revise the Revised Code of Laws of Idaho, and

On motion,

the Rules were Suspended, Bill Considered on ground, Bill read 3d time and placed upon its passage - The question being - "Shall the Bill pass? The Ayes and Nays were taken -

Ayes. Messrs Anderson, Baldwin, Campbell, Crow, Clemens, Dalph, Hunt, Lemp, Nelson, Peirce, Pool, Rhett, Sickbottom, Stewart, Waldrip, White S, R. White 2d, Young, McCarty, Moore, Paddock, Shoup, Tuthill & Mr Speaker - 24

Nays, None

So the Bill passed
Read by title and approved.

H. B. No 58 an act for the better protection of invalids"
Read 3d time and placed upon its passage.
On the Question being - "Shall the Bill pass?" The Ayes and Nays were taken -
Ayes - Messrs Anderson, Baldwin, Campbell, Clemens, Gulp, Hunt Lamy, Nelson, Prince, Pool, Rhett, Sidebotham, Steward, Waldrip, White Co. R. White J. W. and Mr Speaker 18.

Nays - Messrs Delany, McCarty, Moore, Paddock, Shoup, & Tuttle - 6

So the Bill passed
Read by title and approved.

Mr Speaker
Your Committee on Enrolled Bills have examined and found Correctly enrolled H B. No 60 and at half past 8 o'clock P.M. this day presented the same to the Governor for his approval

Prince.
Chairman

H. C. R. No 12 in Relation to Code Bills, passed, and on Motion the Resolution was adopted -

S. B. No 89 "An act defining the place of residence of the District Attorney for District No 2,

Read 1st & 2d time and referred to Delegations from Boise, Lemhi and Alturas Counties,

On Motion of Mr Case the Boise County Delegation was instructed to report immediately Substitute for H.B. No 32. An act Concerning tole roads, bridges & ferries -

Mr Lunny reported the Substitute back to the House,

The Substitute was then read and on Motion adopted -

Read 1st & 2d time and referred to Delegations from Boise & Alturas Counties

Mr Speaker,

Your Judiciary Committee to whom was referred S. B. No 85 "An act to Amend an act entitled an act Concerning Grand and Petit Jurors. Approved Jany 10th, 1873. Report the Same back and recommend its passage

Anderson
Chairman

S. B. No 85. "An act Concerning Grand and Petit Jurors,

Read 3d time and placed upon its passage

The question being -

"Shall the Bill pass?

The Ayes and Nays were taken

Ayes - Messrs Anderson, Baldwin Campbell, Case, Clay, Clemens, Culp, Lunny, McBride, Nelson

Paddock, Pierce, Pool, Rhett,
Shaw, Sidebotham, Stewart
Tuttle, Waldrip, White C.R.
White J. W. and Mr Speaker 22

Nays - None

So the Bill passed
Read by title and approved.

On Motion of Mr Anderson, at 4 P.M.
House adjourned -

E A Swenson
Clerk of House of
Representatives

Attest

J. D. Sullivan
Chief Clerk

Thirty Eighth Day.

House of Representatives
Boise City, D.T. Jany 13th, 1875.

House met pursuant to adjournment.
Speaker in the Chair.
Roll Called - All present except Mesrs
Rhett, Clemens and Robbins.

On Motion Mr Robbins was granted leave
of absence
Journal of Yesterday, read and approved.

Reports of Standing Committees.

Mr Speaker,

Your Judiciary Committee
to whom was referred C. B. No 91. "an act
to dissolve the bonds of Matrimony between
Sarah A. Baldwin and James C. Baldwin,
recommend the passage of the Bill therein
being no dispute as to the disposition of the
property, the Custody of the Children, that
being settled as appears by the affidavit
and Statements herewith submitted.

Anderson
Chairman

Mr Speaker,

Your Committee to whom
was referred H. B. No 43, report the same
back, with the following amendments:
Strike out in Section 4 line 11 the words
"five thousand" and insert the words,
"fifteen hundred", and recommend the
passage of the same as amended -

Mc Carty
Prince.
Paddock

Introduction of Bills.

By leave Mr Pierce introduced H. B. No 64 "An act- Amendatory and Supplementary to an act- Concerning Roads Highways &c in Ada County"

Read 1st & 2d times and On motion of Mr Pierce the Rules were Suspended. Bill Considered, engrossed, read 3d time and placed upon its passage.

The Question being "Shall the Bill pass?"

The Ayes and Nays were taken.

Ayes. Messrs. Anderson, Baldwin, Campbell, Lowe, Bleeny, Clemens, Coulp, Hunt, Lunny, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sidebotham, Steward, Suttile, Waldrip, White, R. White J. W. and Mr Speaker 24

Nays - None

So the Bill passed
Read by title and approved

By leave, Mr Pierce introduced H. B. No 65 "An act- in relation to toll Bridges in Ada County"

Read 1st & 2d Times and On Motion of Mr Pierce, the Rules were Suspended, Bill Considered engrossed, Read 3d time and placed upon its passage

The Question being "Shall the Bill pass?"

The Ayes and Nays were taken -

Ayes Messrs Anderson, Baldwin, Campbell Lowe, Bleeny, Clemens, Coulp, Hunt,

Linney, McConley, Moon, Nelson, Paddock, Pierce, Pool, ~~Robbins~~, Rhett, Shoup, Siebelhaus, Stevens, Guthrie, Waldrip, White C.R. White J.W. and Mr Speaker. 24 -

Nays - None

So the Bill passed
Read by title and approved

H.B. No 43. "An act to authorize the County Commissioners of Ada County to appropriate Money to Construct a bridge on the Payette River", On motion the Amendment proposed by the Committee was adopted, and,

On motion, the Bill was ordered engrossed for 3rd reading.

Referred to Engrossing Committee

C.B. No 91, "An act to divorce Sarah A. Baldwin from James C. Baldwin" taken up. Read 3rd time and placed upon its passage -

The question being "Shall the Bill pass?

The ayes and nays were taken

Ayes Mrs Anderson, Baldwin, Campbell, Cheney, Clemens, Coltrin, Hunt, McConley, Nelson, Pierce, Rhett, Siebelhaus, ~~Stevens~~, Guthrie, White C.R. and White J.W. 15

Nays - Mrs Lowe, Linney, Moon, Paddock, Pool, Shoup, Stevens, Waldrip and Mr Speaker - 9.

So the Bill passed
Read by title and approved.

On Motion of Mr Lunny, at 11, a.m. House took a recess until 2 o'clock P.M.

Afternoon Session.

House met pursuant to adjournment Speaker in the Chair.
Roll Called - All present except Mr[s] Hunt, Rhett & Moore.

Message from the Council.

Council Chamber
January 13th, 1875

Mr Speaker,

I am instructed to inform your honorable body that the Council have passed the following bills which is herewith transmitted, and respectfully ask the Concurrence of the House thereon.

H. B. No 90 "an act to provide a uniform System of Territorial and County Revenue and for assessing and Collecting the Same,

Also H. C. R. No 7 authorizing the distribution of arms,

Also.

H. B. No 94 a substitute for H. B. No 25 "an act fixing the fees and Salaries of certain officers of Ada County" and have indefinitely postponed H. B. No 25. Also.

H. B. No 42, an act to provide for the Care, Management and Control of arms belonging to the Territory of Idaho Territory.

E. J. Lewis
Chief Clerk of Council

S. B. No 90 An Act to Create a uniform System of Territorial and County Revenue
Read 1st & 2d time and
On Motion of Mr Anderson, House went into Committee of the Whole at 2.10 P.M. to Consider S. B. No 90.
Mr Anderson in the Chair.

At 3.30 P.M. Committee arose.

Speaker in the Chair.

House Called to order.

Mr Anderson, Chairman of the Committee of the Whole reported as follows;
Mr Speaker
Your Committee have had under Consideration S. B. No 90 and report and recommend its passage except Section 101 to be so amended as to strike out the provision Substituted in place of old act.

Mr Anderson offered an Amendment to the Bill —
Amendment adopted —

The Bill was then read 3d time and placed upon its passage —
The Question being "Shall the Bill pass?"
The Ayes and Noys were taken
Ayes Messrs. Anderson, Baldwin, Campbell, Carr, Cleary, Clemens, Culp, Hunt, Laney, McCarty, Moore, Nelson, Paddock, Price, Pool, Rhita, Shoup, Sidebottom, Steward, Tuthill, Waldrip, White S.R. White J. 20. and Mr President 24

Mays Room,

to the Bills passed
Read by title and approved

Mr Speaker,

Your Committee on Engrossed
Bills have examined and found Correctly
engrossed H. B. No 4 &

Baldwin
Chairman

Mr Speaker,

Your Special Committee
Consisting of the delegations from Alturas
Boise and Lemhi counties to whom
was referred H. B. No 89 An act
defining the place of residence of the
District Attorney of district No 2"
report the same back to the House
without recommendation

Lucey
Chairman

Mr Speaker

Your the undersigned to-
whom was referred House B. No 32
An act Concerning Toll Roads in
Boise County find that the Claimes
toll road or that portion of the same
that includes the toll road is in Boise
county and Consequently is under the
Control of the County Commissioners of
Boise County

on behalf of Ada County { McCarty
Pierce
Paddock

on behalf of Ada County { Baldwin
C. W. Stevens
C. B. White
Campbell
J. W. White
Lane

Report of Standing Committee on Territorial Law and Miscellaneous Library —

Mr Speaker.

Your Committee to whom was referred the subject-matter of the Territorial Law and Miscellaneous Library, report as follows;

We find that the Law Library Comprises Some Nine hundred and seven volumes of Valuable Law Books such as Reports of the District, Circuit and Supreme Court of different States and Territories of the United States with a large number of text books in the Law and about One thousand Vols of Valuable Miscellaneous, Scientific and Congressional public Documents, books and papers —

We find the Library Rooms in which the same are kept, large, Comfortable and well lighted from fire, and well adapted to the purpose of a Territorial Library Room —

In View of the great benefit desired by the Members of the Bar, the Judges of the Courts and the Citizens of the Territory from the Systematic Continuance of a well Conducted Territorial Library, we would recommend that a small sum be appropriated at each Session of the Legislative Assembly of the Territory of Idaho, to purchase New and Standard Law-books that are being published from time to time and for the purpose of having old and valuable books rebound and kept in proper repair

Committee { Cleary, Tibbottham, Shoup

Mr Speaker,

Having voted in the Majority I give notice that tomorrow I will move a reconsideration of the vote by which C. B. No 91 "An Act to dissolve the bonds of Matrimony between J. C. Baldwin and Sarah A Baldwin

Rhete

Message from the Council.

Council Chamber
Jany 13th, 1875

Mr Speaker.

I am instructed to inform your honorable body that the Council insist in their amendment to H. B. No 1, relating to School Law

the Council have passed C. C. R. No 13 relating to the Distribution of Arms. Also

C. B. No 95 a Substitute for H. B. No 57 relating to Certain ~~Towns~~ in Owyhee County

E. J. Carr
Chief Clerk of Council

H. B. No 1 "An Act to establish a public School System in Idaho Territory taken up

The question being "Shall the House recede from its non Concurrence and will it Concur in Council Amendments.

House refused to Concur.

On Motion of Mr Lemmy a Committee of 3 Consisting of Messrs C. R. White Moore and Shoup were appointed

to Confer with a like Committee from the Council on H. B. No 1,

By leave, Mr Cleary introduced H. B. No 66. An act to provide for the Keeping up and the Maintaining of a Territorial Law Library,

Read 1st & 2d time.

Mr Shoup moved to Suspend the Rules. Consider the Bill engrossed, read 3d time and place upon its passage —

Motion lost

The Bill was referred to the Judiciary Committee

H. B. No 4 "An act to authorize the County Commissioners of Ada County to build a bridge over the Payette River in ~~Ada~~ County

Read 3d time and placed upon its passage —

The question being "Shall the Bill pass?"

The Ayes and Nays were taken

Ayes Mssrs. Anderson, Baldwin, Campbell, Cave, Cleary, Culp, Hunt-Lowry, McCarty, Moon, Nelson, Paddock, Price, Pool, Rhett, Shoup, Liebenthaus, Stevens, Waldrip, White C. R., White J. W. and Mr. Speaker, 22

Nays Mssrs Clemens & Tuthill 2

So the Bill passed

Read by title and approved —

Substitute for H. B. No 32 "An act supplementary to an act Concerning the roads" taken up and

On motion of Mr C. R. White the Rules were suspended, Bill Considered engrossed, read 3d time and placed upon its passage -

The question being Shall the Bill pass?

The Ayes and Nays were taken

Ayes - Messrs Anderson, Baldwin, Campbell, Cave, Cleary, Clemens, Culp, Hunt, Linney, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Sidebotham, Stevens, Tuttle, Waldrip, White C. R. White J. W. and Mr Speaker 24

Nays - None

So the Bill passed

Read by title and approved

H. B. No 89. An act defining the place of residence of the District Attorney of the 2d District -

Mr Anderson offered an Amendment,

On Motion the Amendment was adopted

Bill read 3d time,

Moved by Mr Cleary, bill be indefinitely postponed,

Ayes and Nays Called for by Campbell, Linney, and Paddock

Ayes Messrs. Baldwin, Campbell, Cave, Linney, Paddock, Pierce, Pool, Shoup, Sidebotham, Tuttle White C. R. and Mr Speaker - 15.

Nays, Messrs Anderson, Cleary, Clemens, Culp,

Hunt, McCarty, Moon, Nelson, Rhett
Stewart, Waldrip, White J.W. 12

So the Bill passed
Read by title and approved,

H. B. No 95. Substitute for H. B. No 57.
relating to Certain funds in Owyhee
Co. Read 1st & 2d time and referred
to Owyhee Delegation

H. C. R. No 13. in relation to Arms. Laid
up

Mr Anderson moved an indefinite
postponement —

Motion lost,

Question on the adoption of the Resolution.
Ayes and Nays called for by Mr
Hunt, Anderson, Moon & Sidebottom
Ayes and Nays taken.

Ayes Messrs Baldwin, Lane, Cleary
Clemens, Culp, Lenny, Price
Stewart, Tuthill, White C. R.
White J. W. and Mr Speaker 12 —

Nays Messrs Anderson, Campbell, Hunt
McCarty, Moon, Nelson, Paddock
Pool, Rhett, Shoup, Sidebottom &
Waldrip — 12

So the Resolution was lost —

By leave Mr Pool introduced
H. B. No 67 an act relating to Quartz
Claims in Owyhee County —
Read 1st & 2d time and referred
to Owyhee Delegation

On Motion of Mr Baldwin, at 4.15 P.M.
House adjourned until 10 A.M.
tomorrow.

E. A. Stevenson
Speaker House of
Representatives

Attest
J. D. Callahan
Chief Clerk

Thirty Ninth Day.

House of Representatives
Boise City T. T. Jany 14th 1875

House met pursuant to adjournment.
Speaker in the Chair.
Roll called. All present. except Mr[s]. Anderson Campbell. Clemens & Rhett.
Journal of Yesterday read and approved.

Message from the Council.

Council Chamber
Boise City. Jany 14th, 1875

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under Consideration and rejected H. B. No 58. "An act for the better protection of invalids" -

Also.

H. B. No 54 "An act relating to elections"

Also.

The Council have indefinitely postponed the following:

H. B. No 49 "An act relative to Contesting elections of the Members of the Legislative Assembly"

Also

H. B. No 57 relative to the Collection of revenue in Owyhee County and have offered a Substitute therefor.

Also

The Council have had under Consideration and passed H. B. No 22 relating to the Board of County Commissioners. also. have adopted H. Substitute for H. B. No 87.

E. J. Carr
Chief Clerk of Council

Council Chamber
Boise City, Jany 14th 1875

Mr Speaker,

I am instructed to inform your honorable body that the Council have passed the following bills, which are herewith transmitted.

C. B. No 84 "An act for the relief of T. P. Mr. Sullivan

Also, C. B. No 92 "An act fixing the Salary of the Territorial Controller.

Also,

C. B. No 93 "An act extending the time for Collecting taxes in the Counties of Idaho and Nez Perce

Also

H. B. No 50 "An Act to regulate Proceedings in Civil Cases in the Courts of Justice in Idaho Territory,

Also,

the Council have passed C. B. No 62 an act relating to Milage of the Sheriff of Owyhee County in Criminal Cases.

E. F. Lewis
Chief Clerk of Council

Reports of Standing Committees.

Mr Speaker,

Your Committee on Enrolled Bills have examined and found Correctly enrolled H. B.'s Nos 23. 40 & 42 also H. C. C. R. No 7 and at- 10 minutes past- 10 o'clock A.M. this day presented the same to the Governor for his approval.

Pierce
Chairman

Mr Speaker,
a Majority of Your Judiciary Committee to whom was referred H.B. No 66. an act for keeping up and maintaining the Territorial Law Library of Idaho and for the expenditure therefor. report the same back and recommend its passage -

Anderson
Lickbottom

Mr Speaker.

Your Committee of the Ada County Delegation to whom was referred S.B. No 88. report, that -

Although this is an entirely new and different bill from the original, but being near the close of the Session, and not willing to let the old law stand, in relation to the assessor, We have Concluded to accept this Substitute & report the same back to the House & recommend the passage of the same

McCarty
Pierce
Paddock

Mr Speaker;

Your Special Committee Consisting of the members from Owyhee, to whom was referred H.B. No 67 and S.B. No 95 have had the same under Consideration and recommend their passage

F. M. Hunt
Pond
Culp

S.B. No 84. "An act for the relief of P. M. Sullivan, late teacher of District No 2. Owyhee County.

Read 1st time.

Mr Culp objected to 2d reading and on the question "Shall the Bill be rejected" the Bill was rejected -

C. B. No 93 "An act- Extending the time for Collecting taxes in the Counties of Ida. Pierce & Idaho

Read 1st & 2d times and On Motion of Mr Shoup the Bill was Temporarily laid on the table

C. B. No 92 "An act- fixing the Salary of Territorial Controller -

Read 1st time

Mr Mc Laney objected to the 2d reading

On the Question. "Shall the Bill be rejected?

The Bill was rejected,

C. B. No 95. "An act in relation to Certain funds in Owyhee County,

Read 3d time and placed upon its passage -

The Question being "Shall the Bill pass? The Ayes and Nays were taken

Ayes Messrs Anderson. Batterman. Campbell Cleary. Clemens. Culp. Hunt. Finney McCarty, Moore, Nelson, Paddock. Pool. Rhett. Shoup. Sidebottom Stivers, Truitt. Waldrip. White C. R. White J. N. and Mr Spencer. 22

Nays - Messrs Lane, & Pierce - 2

So the Bill passed,
Read by title and approved

H.B. No 67 "An act fixing the fees for recording Quartz Claims in Owyhee County
Read 3d time and placed upon its passage.

The Question being "Shall the Bill pass?" The ayes and nays were taken -
Ayes - Mssrs Anderson, Balluin, Campbell Cain, Clemm, Clemens. Culp. Hunt Lamy, McBride, Moon, Nelson Paddock, Pierce, Pool, Rhett, Shoup. Sidebotham, Stevens - Waldrip White C. R. White J. W. and Mr Speaker 23

Nays Mr Tuttle - 1

So the Bill passed.
Read by title and approved.

H. B. No 88. An act to amend an act for the better observance of the Sabbath day"
Read 3d time and placed upon its passage
The Question being - "Shall the Bill pass?
The ayes and nays were taken.
Ayes Mssrs Anderson, Balluin, Cain Clemm, ~~Clemens~~, Culp, Hunt, McBride Nelson, Paddock, Pierce, Pool, Rhett, Stevens, and Waldrip - 14

Nays Mssrs Campbell, Clemens, Lamy, Moon, Shoup, Sidebotham, White C.R, White J.W. and Mr Speaker - 9.

So the Bill passed.
Read by title and approved.

H. B. No 94 Substitute H. B. No 25, "An Act- fixing the fees and Salaries of Certain Officers of Ada County-

Read 3d time and placed upon its passage

Pass'd Ayes

The Question being - "Shall the Bill Pass" The Ayes and Nays were taken Messrs Anderson. Baldwin Campbell. Cleary, Clemens Culp. Hunt. Lemmy. McCarthy Moore. Nelson. Paddock. Price Pool. Rhett. Shoup. Sidebottom Steward, Guthrie. Waldrip. White & R. White J. W. Mr Speaker - 23

Nays - None Absent - 1

So the Bill passed. Read by title and approved.

H. B. No 66. "An Act- for Keeping and Maintaining the Territorial Law Library"

Mr Anderson Moved to Suspend the Rules. Bill Considered Engrossed &c - Motion lost.

On Motion Bill was ordered Engrossed for 3d reading -

H. B. No 50, "An Act- to regulate proceedings in Civil Cases. in the Courts of Justice of Idaho -

Read 1st and 2d times and on Motion. Bill was referred to Special Committee on Code & Judiciary Committee

H. B. No 22. "An act to Create a Board of County Commissioners for the Several Counties of Idaho and to define their duties, taken up, and Council Amendments thereto read and adopted -

Message from the Council

Council Chamber
Boise City. D. T. Jany 14th, 1875

Mr Speaker

I am instructed to inform your honorable body, That the Council have had under consideration House Amendment to H. B. No 90. "An act to provide a Uniform System of Revenue and refuse to adopt the same and insist on their Amendments, which is herewith transmitted

E. J. Carr
Chief Clerk of Council.

H. B. No 90 "An act creating a Uniform System of Territorial & County Revenue" taken up and

On motion of Mr Price the House receded from its Nonconcurrence in Council Amendments to Section 101,

On motion of Mr Price, at 11.30, A.M. House adjourned. Subject to the call of the Speaker.

Afternoon Session.

House met pursuant to adjournment. Speaker in the Chair.
Roll Called - All present except Mess[rs] Anderson, Coleen, Coleman, Hunt, Lemp, Moon, Rhett, Shoup, Silebottom, Stevens and White Co. P.

Message from the Governor.

Exc Executive Department
Territory of Idaho
Boise City Jany 14th, 1875-

To the House of Representatives,
I herein this day approve H. B. No 23 An act to dissolve the bonds of Matrimony between Lydia Ann Patten and Hiram C. Patten
Also
H. B. No 40 "An act regulating the salaries and fees of certain officers of Alturas County
Also.
H. B. No 57 "An act in relation to District Attorneys and defining their duties
Also. H. B. No 42 "An act to provide for the Care, Management and Control of ordinance and Ordnance Stores belonging to the Territory of Idaho.

D. W. Bennett
Governor.

Message from the Council.

Council Chamber
Boise City Jany 14th 1875.

Mr Speaker,

I am instructed to inform your honorable body that the Council have had under Consideration and passed

H.B. No 56.

"An Act to Amend an act for the better observance of the Sabbath Day. Also, that the Council have adopted Hons Amendments to H.B. No 89 "An act defining the place of residence of District Attorney for Dist. No 2.

Also, the President has appointed Messrs Kennedy, Brown and Angle as a Committee to confer with a like committee from the House with reference to H. B. No 1. The Common School Law.

Also, the Council have had under consideration and passed H.B. No 61 relating to the Courts of Alturas Territory also.

The Council has failed to pass H.B. No 45 "an act Concerning rights of way for the development of mines

which is herewith transmitted

E. J. Cain
Chief Clerk of Council

On motion of Mr Luttrell at 1½ o'clock House to recess subject to the Call of the Speaker

House called to order.
Speaker in the Chair.
Roll Called - all present except Messrs Moon, Rhett, Shoup & White S. R.

Mr Speaker,

Your Judiciary Committee and Special Committee on the Code to whom was referred S. B. No 50, "An Act- regulating Proceedings in Civil Cases &c, report the same back and recommend its passage

Pierce
Chairman Code Com.

Mr Speaker,

Your Committee on Engrossed Bills have examined and found Correctly engrossed H. B. No 66.

Baldwin
Chairman

Mr Pierce Asked Notice that on Tomorrow he would move to reconsider the vote by which S. B. No 88 was passed

S. B. No 50 "an Act to regulate the Proceedings in Civil Cases &c, Read 3d time and placed upon its Passage

The Question being "Shall the Bill pass."

The Ayes and Nays were taken

Ayes Messrs Anderson, Baldwin Campbell, Cain, Cleary, Clemens

Culp. Hunt-Lunny. McLeary. Moon
Nelson. Paddock. Pierce, Post.
Shoup. Sidebottom. Stewart, Tuttle
Waldrip. White C. R. White J. W.
and Mr Speaker 25

Nays none.

So the Bill passed
Read by title and approved.

On Motion of Mr Anderson at 2. P. M.
House took Recess subject to the Call of
the Speaker.

House met pursuant to Call.
Speaker in the Chair.
Roll called - all present except Sens.
Hunt McCarty, Pierce, Rhea, and
Anderson.

By leave Mr Shoup introduced H. C.
R. No 8,
Mr Campbell moved to amend
by adding School Law
Resolution as amended
was adopted

Mr Cleary moved to take up C. B No
93 —
Motion lost.

Mr Speaker,
Your Committee appointed
on Conference on H B. No 1 report as
follows.
Amend by inserting after the word
first in the first line in the printed Bill
the word "Monday" in April in the place of
September, that the House Concur in
Council Amendment, in Title 10 Section 4
as far as it relates to the Counties of Bexar

And Carried, but amended by inserting the words Lincoln County

Commissioners Brown } Com. | C. R. White } Com. / Geo. L. Stoup } Com. / E. H. Moore } Com.

H. B. No 1. "An act in relation to Schools taken up

House adopted the Amendments recommended by the Conference Committee

Receded from its Non-concurrence to Council Amendments as Amended and Concurred thereto.

H. B. No 66. to provide for Keeping up and Maintaining Territorial Law Library

Read 3d time and placed upon its passage

The Question being, "Shall the Bill pass?"

The Ayes and Nays taken

Ayes Messrs. Anderson Baldwin Campbell, Cleary, Ralph, Laney Moore, Nelson, Paddock Pool, Stoup Sidebotham Stewart, Tuttle Waldrip, White C. R. White J. W. and Mr Speaker 18

Nays Messrs Conner & Clemens 2

So the Bill passed

Read by title and approved

Mr Cleary moved to take up C.B. No 93.

Ayes and Noys called for by Messrs Cleary, Waldrip & Siebotham

Ayes – Messrs Anderson, Campbell Cleary, Clemens, Culp, Nelson Paddock, Siebotham and Waldrip – 8

Noys Messrs Baldwin, Crane, Clemens Feeny, Pool, Shoup, Stevens Guthrie, White C.R. White J.W. and Mr Speaker – 12

So the House refused to take up the Bill.

Mr Shoup moved at 3½ P.M. to adjourn until tomorrow

Motion lost.

On Motion of Mr Anderson, at 3½ P.M. House adjourned until 6 o'clock P.M.

Evening Session.

House met pursuant to adjournment –

Speaker in the Chair,

Roll Called – all present except Messrs Campbell, Nelson, Paddock Rhett, Hunt and Price.

Message from the Council

Council Chamber
Boise City Jany 14th 1875

Mr Speaker,

I am instructed to inform your Honorable body that the Council have had under consideration and passed H. B. No 12 "An Act to aid in the Construction of Telegraph lines in Idaho Ter, & Com" which is herewith transmitted

E. J. Carr
Chief Clerk of Council

By leave Mr Anderson introduced H B No 68 an act providing for the taking of the effect of certain acts

Read 1st time

Mr Ellery objected to 2d reading objection withdrawn,

Bill read 2d time and referred to Committee on Code

By leave, Mr. McCarty introduced H. B. No 69 an Act to repeal certain acts in relation to the Assessor

Read 1st and 2d times

Mr Lemp moved that the Committee be instructed to report H. B. No 68 back to the House tomorrow at 10 o'clock tomorrow —

On Motion of Mr Mc Carty, Rules were suspended H. B. No 69 Committee engrossed read 3d time and place upon its passage -

The question being "Shall the Bill pass?"

The Ayes and Nays were taken

Ayes Messrs Baldwin, Campbell Cowen, Delany, Clemens, Culp Lunny, Mc Carty, Moore Nelson, Pierce, Pool, Rhett, Shoup, Sidebottham, Stewart Guthrie, Walenip, White C. R. White J. W. and Mr Speaker - 21

Nays none

So the Bill passed
Read by title and approved

Mr Shoup introduced H. B. No 70 an act fixing the Salary of the Territorial Treasurer,

Read 1st time, 2d reading being objected to

The Question was "Shall the Bill be rejected?"

House refused to reject the Bill
Read 2d time and referred to Committee on Territorial affairs -

On Motion of Mr Anderson, at 6,30 P. M. House adjourned

E A Stevens
Speaker House of Representatives

Attest
J. H. Callahan
Chief Clerk -

Fortieth Day.

House of Representatives
Boise City Jany 15th, 1875

House met pursuant to adjournment
Speaker in the Chair.
Roll called - All present - except
Messrs Anderson, Lowe, & Luthin
Journal of Yesterday read and
Approved

Message from the Council.

Council Chamber
Jany 15th, 1875

Mr Speaker

I am instructed to
inform your honorable body
that the Council have had under
consideration and passed
C. R. No 15 relating to Sus=
pension of Joint-Rules -

E J Lee
Chief Clerk Council

C R No 14 relating to Joint
Rule No 15 taken up and adopted

Mr Speaker

Your committee on
Enrolled Bills have examined and
found Correctly enrolled H. B. No
56 Also Council Substitute for H. B.
No 25 and at 2 o'clock P. M. the 14th
inst- presented the same to the Governor
for his approval, also have examined
and found Correctly enrolled H. B. No
12 and at half past-10 o'clock P. M.

Ord. 14th. Adjourned the same to the Governor for his approval

Pierce
Chairman

On motion of Mr Campbell, House to a recess subject to Call of the Speaker

House Called to order,
Speaker in the Chair.

Message from the Council.

Council Chamber
Jany 15th, 1870—

Mr Speaker

I am instructed to inform your honorable body that the Council have had under Consideration and passed C.B. No 98 "An Act relating to the Sale of Lands in Boise City"

E. J. Carr
Chief Clerk, Council

C. B. No 98 An Act relating to the sale of Lands in Boise City" Taken up and read 1st & 2d time and on motion of Mr McCarty, the Rules were suspended. Bill Considered engrossed, and read 3d time and placed upon its passage,

The Question being - "Shall the Bill pass?"

The Ayes and Nayes were taken —

Ayes, Messrs Clemens, Culp, Hunt, Kinney, McCarty, Moore, Nelson Paddock, Pierce, Pool, Rhett

Shaw, Sidebotham, Stevens
Guthrie, Walker, ~~White of K.~~
White J. W. and Mr Speaker 17

Nays - Messrs Baldwin, Campbell
Cram, Cleary, and White of K.
5

So the Bill passed
Read by title and approved.

On Motion of Mr Baldwin the
House took a recess subject to
the Call of the Speaker

House Called to Order,
Speaker in the Chair

Message from the Council

Council Chamber
Boise City January 15th 1895

Mr Speaker

I am instructed to inform
your honorable body that the Council
have had under Consideration ~~and passed~~ the report of the Committee
Committee on H. B. No. 1 an act
establish a Public School System
and have adopted the same

Also,

have indefinitely postponed
H. B No 65 an act concerning Bonds
Bridges &c, Also,

have indefinitely
postponed H. B. No 32 an act relating
to Roads, Bridges &c Also

have passed
S. B. No 99 relating to Qualifications in
Probate Courts

Also S. B. No 97 relating
to taxes on persons -

Also. Have refused to pass H. B. No 63 relating to Roads, Bridges &c. Also,

Have passed, as amended, H. B. No 67 An Act fixing fees for recording Quartz Claims

E. J. Carr
Chief Clerk of Council

H. B. No 97 "An Act relating to taxes on ferries bridges &c." taken up and read 1st Time

Hon Mr McCarty objected to 2d reading of the Bill. And

On the Question being "Shall the Bill be rejected"

Hon Mr McCarty moved a Call of the House — Motion Carried —

Roll Called — all present except Hons Moon and Pires —

Hon Anderson moved, a further Call of the House be dispensed with

Motion Carried

Message from the Council

Council Chamber
Victoria B.C. Jany 25 1870

Mr Speaker.

I am instructed to inform Your honorable body that the Council have had under Consideration and passed H. B. No 66. "An Act for Keeping up and Maintaining the Territorial Law Library which is herewith transmitted

E. J. Carr
Chief Clerk Council.

H. B. No 97 was then read 3d time and placed upon its passage The Question being, "Shall the Bill pass?"

The Ayes and Nays were taken Ayes, Mssrs Anderson, Clemens Edlefsen, Hunt, Lemmy, Pool, Stivers, White J. W. and Mr Speaker. 9 -

Nays Mssrs Baldwin, Campbell Cleary, McCarty, Nelson Paddock, Robbins, Rhett, Shoup, Sidebotham, Truitt Waldrip, White C. R. 11

So the bill failed to pass.

Mr Cleary Moved to take H. B. No 95 from the Table.

The Ayes and Nays were taken.

Ayes, Mssrs, Anderson, Cleary, Edlefsen, McCarty, Nelson, Pierce Robbins, Rhett, Sidebotham Waldrip and White J. W. 11

Nays- Mssrs Baldwin, Campbell, Case Clemens, Hunt, Lemmy, Paddock, Pool, Shoup, Stivers Truitt, White C. R. and Mr Speaker 13

So the House refused to take the Bill from the table

H. B. No 99, An Act- Matting judgments, obtained in the Probate Courts of Idaho Territory Liens upon Real Estate,

Read 1st & 2d times and on motion of Mr Anderson the Rules

were Responsive. Bill Considered engrossed. Read 3d time and place upon its passage

The Question being Shall the Bill pass?

Ayes and Nays were taken -

Ayes Messrs Anderson. Baldwin. Beaver Bleamy. Clemens. Culp. Hunt, Lunny. McCarty. Paddock. Pierce Pool. Rhitt. Shoup. Sidebottom Stewart, Waddup. White C.R. and White J. W. - 19

Nays - Messrs Campbell. Nelson. Robbins. Guthrie and Mr Speaker 5 -

So the Bill passed
Read by title and approved.

Mr Speaker

Your Committee on Territorial Affairs to whom was referred H. B. No 70. "An Act fixing the Salary of Territorial Treasurer, report the same back and recommend its passage with amendment herewith Submitted

H. B No 70 An Act fixing the Salary of Territorial Treasurer Taken up

The Amendment recommended by the Committee was read and adopted

The Bill was then read 3d time

Mr Pierce moved to Strike out the enacting Clause,

The Ayes and Nays were called for by Messrs Pierce, White C. R. and Campbell.

The ayes and Nays were taken

Ayes Messrs Baldwin. Campbell Beaver. Culp, Lunny, Pierce, Stewart

Waldrip. White & R. White J. W.
and Mr Speaker 11

Nays Mssrs Anderson, Cleary, Clemens
Hunt, McCarty, Nelson, Paddock
Pool, Robbins, Rhett, Shoup, Sidebotham
& Guthrie - 13 -

So the House refused to Override
the Executive Veto -
The Question being "Shall the Bill
pass"
The Ayes and Nays were taken
Ayes Messrs ~~Clemens~~, Hunt,
Shoup, and Guthrie 4

Nays Messrs Anderson, Baldwin
Campbell, Crane, Cleary, Culp
Gunn, McCarty, Nelson
Paddock, Pierce Pool, Robbins
Rhett, Sidebotham, Stevenson
Waldrip, White & R. White J. W.
And Mr Speaker.

So the Bill failed to pass.

Message from the Governor

Executive Department
Territory of Idaho
Boise City Jany 14. 1875

To the House of Representatives,
I have this day approved H.B. No 56 an act to amend an act entitled an act for the better observance of the Sabbath day
Also
H.B. No An Act to amend an act entitled an act regulating the fees and Salaries of certain officers

in Ada County

J. W. Bennett
Governor

Mr Speaker

Your Committee on Enrolled Bills have examined and found Correctly enrolled H. B. No 62. and this day at 12. M. delivered the same to the Governor for his approval

Price
Chairman

On Motion of Mr Clemens at 12.10 P. M. House took a recess until 2 P. M.

Afternoon Session.

House met pursuant to adjournment Speaker in the Chair
Roll Called: all present except Mrs Price, Robbins & Sidebottom

On Motion of Mr Lemp House took a recess subject to Call of the Speaker.

House Called to order Speaker in the Chair.

Message from the Governor

Executive Department
Territory of Idaho
Boise City January 15th, 1875

To the House of Representatives

I have this day approved H. B. No 61 an act defining the jurisdiction and practice of the Probate Courts — J. W. Bennett
Governor

On Motion of Mr Anderson, House took a recess subject to the call of the Speaker.

House Called to order.
Speaker in the Chair.

Message from the Council

Council Chamber
Boise City - Jany 15th 1875

Mr Speaker.

I am instructed to inform your honorable body that the Council have requested that the House return to the Council H. B. No 63 An Act Concerning Roads, Bridges & Ferries

Also

The Council have indef. passed H. B. No 69 "An Act to repeal certain Acts relative to the Assessor of Ada County

~~Also have indef. passed~~

Also that the Council have passed H. B. No 63 and Act Concerning Toll Roads, Bridges &c

Also.

that the Council have rejected H. B. No 8 relating to the funding of the Revenue and other Acts

E. J. Carr
Chief Clerk Council

Council Amendment to H. B. No 67 an Act fixing fees for recording Quartz Claims was, on Motion of Mr Anderson read and adopted

Mr Speaker.

Your Committee on Enrolled Bills have examined and found correctly enrolled H B^s No^s 1, & 22 and this day at half past two o'clock delivered the same to the Governor for his approval

Peirce
Chairman

Mr Speaker.

Your Committee on Enrolled Bills have examined and found Correctly enrolled H. B. No 61. and this day at 11 o'clock A. M. presented the same to the Governor for his approval

Peirce

On Motion of Mr Lumry, at 3 P. M. House took a recess until 6 P. M.

Evening Session.

House met pursuant to Adjournment.
Speaker in the Chair.
Roll Called. All present except Mssrs Baldwin, Clemens, Hunt McCarty Paddock, Robbins and Steward -

Mr Speaker.

Your Committee on Enrolled Bills have examined and found Correctly enrolled H. B. No 67 and this day at 4 o'clock P.M. delivered the same to the Governor for his Approval

Pierce
Chairman

Mr Speaker

Your Committee on Claims to whom was referred H. B. No 68 "an Act providing for the taking effect of Certain Acts for Continuing in force Certain Acts for repealing Certain laws for the Appointment of a Revising Commission and defining their authority Duties &c &c" have compared the same

Pierce
Chairman

By leave Mr Shoup introduced H. B. No 71 an Act to provide for the printing of Certain Acts

Read 1st and 2d times and on Motion of Mr Shoup, Rules were suspended, Bill considered Engrossed, read 3d time and placed upon its

passage The Question being, Shall the Bill pass?

The ayes and nays were taken,

Ayes - Messrs Anderson, Campbell Cave, Cleary, Culp, Denny, McCarty, Moon, Nelson, Price Pool, Rhett, Shoup, Sidebottom Guthrie, Waldrip, White G.B., White J.W. and Mr Speaker. 19

Nays - None.

Absent - Messrs Baldwin, Hunt, Robbins Stevens - 4

Excused - Messrs Clemens. 1

So the Bill passed
Read by title and Approved.

On Motion of Mr Price at 6.30 P.M. House took a recess subject to call of the Speaker,

House Called to order Speaker in the Chair.

Message from the Governor.

Mr Speaker,

I am directed by the Governor to return to your Honorable body H.B. No 12 An Act to aid in the Construction of Telegraph lines in Idaho Territory without his Approval and with his objections thereto.

Telegraph Veto.

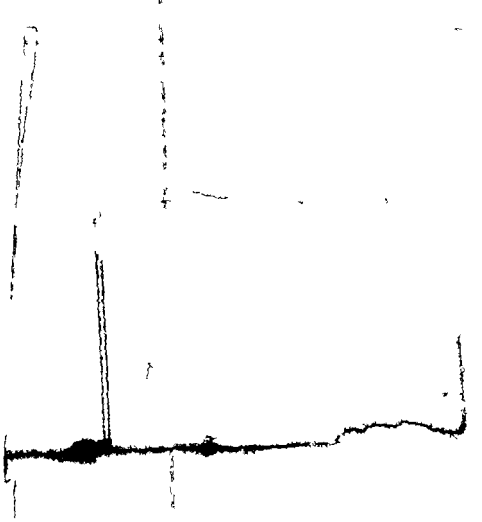
EXECUTIVE DEPARTMENT
TERRITORY OF IDAHO,
BOISE CITY, January 15th, 1875.

To the House of Representatives:—

I herewith return to your honorable body House Bill No. 12, "An act to aid in the construction of telegraph lines in Idaho Territory," without my approval, and with my objections thereto.

I trust I am fully aware of the responsibility imposed upon me, in the consideration of this bill. I am not unmindful of the fact that the people of this Territory are greatly in need of the facilities necessary to develop the vast, and diversified resources of the country. I fully appreciate the intense desire of many of our best citizens, both in, and out of the Legislative Assembly, for the passage of the bill under consideration and regret exceedingly that the obligations of my official position compel me to withhold the Executive approval of the measure. However much I may sympathize with the object contemplated in the bill, I owe a duty to principle, and to the people of this Territory, who have the right to expect of me, a faithful, and conscientious discharge of my official duties.

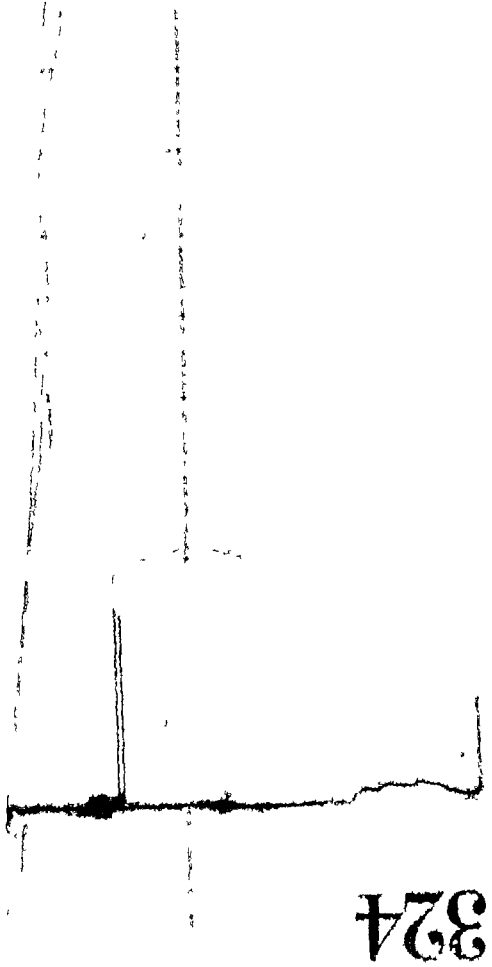
The bill is entitled "An act to aid in the construction of telegraph lines in the Territory of Idaho." That I am in favor of such enterprises, when properly undertaken, I need but refer to my bi-ennial message to the present session of the Legislative Assembly, in which occurs the following language, viz. "The Nevada and Northern Telegraph Company. have completed, and now have in working order their line, from Winnemucca, Nevada, to Silver City in this Territory, with branch lines to Fairview and South Mountain. The immense advantages derived from such enterprises, in developing, and advertising to the world, the resources of a country, can hardly be over-estimated, and their usefulness to the business interests of a community, are almost indispensable. This company are now entertaining a proposition to continue their line from Silver City, by way of Boise City, Idaho City, Centerville, Placerville and to Quartzburg, in the



county of Boise, with a branch to Alturas county; and with the ultimate design of a farther extention. The immense benefits to be derived from the early completion of this great work, commend it to your favorable consideration." But while I should favor the extension of legislative aid to such enterprises, in some of the many legal, and proper ways in which the same can be done, I am unalterably opposed to the granting of legislative subsidies, in the way of gifts, to any person or corporation whatever. That this is with me no new principle, I refer to the platform of the Republican party of this Territory, adopted at its last Territorial convention, every word of which I wrote, and publicly endorsed, and in which may be found the following, resolve viz:

"We are opposed to the granting of subsidies by the Territorial Legislative Assembly to any corporation whatever, and we believe that the obligations of the people to pay the public debt of the Territory, should be sacredly kept."

The bill under consideration, is in the fullest sense of the word, a subsidy, in the nature of an absolute gift



to a corporation. I exceedingly regret that this bill came to me at this late hour, on the closing day of the session, when want of time and a press of business preclude me, from an examination, and recital of the precedents, and authorities of law, applicable to the consideration of the provisions of this bill, for I am of the opinion that such precedents, and authorities are numerous, and singularly uniform, in the direction of a denial to the Legislative Assembly of a Territory, of the power to tax the people of the Territory, or any portion thereof, for the benefit of a corporation, without any consideration therefor, moving to the people other than public advantages in expectancy. In this view of the case, I but reflect, the generally received opinions, of the people of other Territories, who have urgently applied to Congress, for a grant of such power, in a modified form. And the position is strengthened by the fact that of late years, at least, Congress has invariably denied the grant of power. In fact I do not believe that Congress itself, possesses the power to grant outright monied subsidy, as is proposed in this bill. Congress may endorse, or loan the credit of the Government, or grant portions of the public domain, under restrictions in which the Government retains an interest, and a control, but that a people anywhere, under our system of government, can be taxed outright for a monied gift to any corporation whatever, I deny. This bill not only proposes to donate to this Telegraph company, a large sum of the people's money, but in addition thereto, tenders an annual *bonus* of interest, for fifteen years to induce said company to accept the gift.

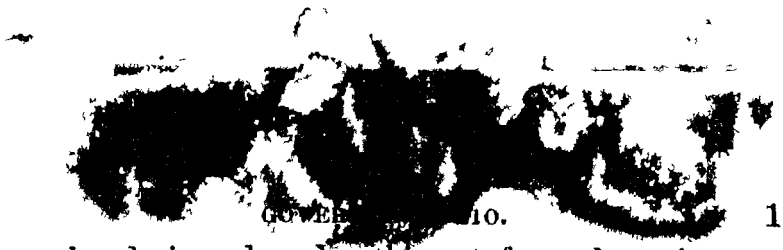
But aside from the general principles involved in the measure, many of the provisions of the bill itself, are in my judgment, radically wrong, and defective, and calculated to materially injure, and depreciate the public credit of the Territory.

This Territory owes a bonded debt of about $70,000, some of the interest on which is already in arrears, and the principal of which will become due prior

to another session of the Legislative Assembly. An act was passed at the present session to meet the emergency, and as far as possible preserve the good faith pledged to our creditors. New bonds are to be given in exchange for old bonds, or sold in the market and the proceeds thereof applied to the payment of the debt. That act provides that the Territorial Treasurer shall set apart from the moneys in the Treasury, a sufficient amount annually, for the prompt payment of the interest on the debt, thus insuring the interchange or sale of the new bonds on favorable terms. But this subsidy bill, subsequently passed, provides that "it is hereby made the duty of the Territorial Treasurer, in apportioning the monies in the Treasury to *first* apportion, and set aside from all the monies in the Territorial Treasury, an amount sufficient to pay the interest on all bonds that may be issued under this act." Thus making the holder of the subsidy bonds, a preferred creditor to the holders of *bona fide* bonds of the Terri-

tory, and to take precedence over school, and all other funds, and thereby committing an act of bad faith to our legitimate creditors, and greatly depreciating the chances of exchange, or sale of the new bonds provided for in the act aforesaid. And, as if not satisfied with this act of bad faith to our creditors, a further preference is given over them, in this subsidy bill, by requiring the interest of the subsidy bonds to be paid at the Bank of California, in the city of San Francisco, while the other creditors, are compelled to present their interest coupons for payment to the Territorial Treasurer, at his office in Boise City.

Again the bill under consideration is so imperfectly drawn, that under its provisions, opportunities are afforded for gross frauds, peculations, and extortions, and without proper measures to protect the Treasury. Section 8 of the bill provides that, "whenever the amount of moneys accumulated in the 'Telegraph Bond redemption fund' as provided in section 6, shall be not less than three thousand dollars, it shall be the duty of the Territorial Treasurer to advertise for proposals of



any bonds issued under this act for redemption, and shall redeem and purchase for the Territory, such an amount of said bonds as the sum of money in the 'Telegraph Bond Redemption Fund' will pay for, at price or prices offered by the lowest proposer or proposers." No limit is fixed to these proposals, no provision is made that no proposals shall be received by the Treasurer for more than par value of the bonds to be redeemed, so that under the bill the holder of the bonds is allowed to bid as he pleases, and there being no competition, all the bonds being in the hands of one corporation it is in the power of that corporation to propose to surrender but one of its thousand dollar bonds, for the whole of the three thousand dollars in the "Redemption Fund," and being the only and lowest proposer, the Treasurer would be compelled to redeem the bond at that rate. It may be said that no such bid as that would ever be made. It is an old adage that "corporations are soulless," and I believe that experience has demonstrated somewhat the truth of the proposition; but, at all events, I have yet to learn of an instance, where a corporation failed to exact the letter of its bond, and the more especially if its victim is a State, Territorial, County, or municipal organization.

The bill does not provide the proper safeguards, checks and balances necessary to ensure a strict accountability of officers, and the protection of the people. The Territorial Treasurer, is alone entrusted with the preparation of the bonds, their issuance, redemption and all the duties pertaining to them. A proper regard for the rights of the tax-payer, would require the additional signature of some other officer to the bonds, and that the Territorial Controller should keep a record of every bond issued or redeemed, to the end that a proper system of checks, and balances should be preserved, and a strict accountability enforced. Under the provisions of the bill, a Treasurer could, with impunity, issue any number of bonds, and no other officer, or tax-payer could have any knowledge thereof; he could receive just such proposals for redemption of

bonds as he might choose; he could redeem at one price, and render his accounts at another, without the possibility of detection. All laws for the handling of the people's moneys, should in all cases be made with the most scrupulous regard to safety, and accountability. An honest officer is not injured by strict laws, while the people may be protected from dishonest ones.

The bonds proposed by the bill, to be issued are in all respects Territorial bonds. They are to be issued in the name of the Territory; the interest is to be paid from the Territorial Treasury out of the first money therein; the faith of the Territory is pledged for the payment of the principal, and interest. Thus binding every tax-payer in the Territory to build a telegraph line that will reach but three counties, and making a

present of the line to a corporation, and then paying that corporation an annual compensation for fifteen years, to enable it to receive the gift.

It may be said that a provision is made in the bill, requiring the people of the counties of Ada, Boise, and Alturas to reimburse the Territorial Treasury for its losses in the premises. If such a provision could be enforced, it is easy to perceive, that the people of the counties named, would be doubly taxed. First, to pay, in common with the people of the other counties their share of the Territorial tax, then again to replace the Territorial taxes paid out on the bonds. But can these three counties be compelled to pay this reimbursement tax? The tax being levied in but a portion of the counties of the Territory is a local tax. The purpose of the tax is not local, but general; being for the benefit and use of the whole Territory, inasmuch as it is a tax to reimburse the Territorial Treasury for moneys paid on Territorial bonds. It may be said that the telegraph line, being for the benefit of these three counties, renders the purpose local. I answer, in the first place, that while the telegraph line, might more benefit the people of these three counties, than of the other counties, yet its benefits are not confined

to such counties alone, and is not in the bill considered a local institution, for the bonds in aid of its construction, are Territorial and not county bonds. In the second place, if the telegraph line, and its benefits were purely local, it would not alter the case, for this tax sought to be imposed upon the people of the counties named, is not directly in aid of the line, nor to secure its benefits, but is to go to the benefit of the whole Territory: to reimburse its Treasury for moneys paid out to meet not county, but Territorial obligations, that were contracted not by those counties, but by the Territory, through its Legislative Assembly, composed of members from all the counties. I submit, then, whether a local tax can be levied, and collected for a general purpose? Or in other words, can the people of a portion of the Territory alone be taxed to pay a Territorial debt? I am clearly of the opinion that no such power exists. If the bill should become a law, this corporation would look solely to the Territory for the payment of the principal and interest of the bonds. The commissioners of such counties would doubtless refuse to levy or collect this reimbursing tax. Who would undertake to compel them to do so? The holder of the bonds looking only to the Territory, and having his money *first* taken out of the Territorial Treasury, would regard such refusal on the part of the commissioners, with serene indifference. No citizen of such county would attempt to enforce a compliance with the law, in this respect, for after having, in common with the citizens of the other counties, paid his share of the Territorial tax, to be applied on these bonds, he would not be over-anxious to duplicate the payment. And if in case the commissioners should attempt such levy, and collection, doubtless they would be met by an injunction, issued on the complaint of some indignant tax-payer, and with all respect to the opinions of others, I am well assured that such injunction would be made perpetual.

It is provided in the bill, that all Territorial taxes, assessed and collected upon the lines, and equipments

of said company, in this Territory, shall be applied to a "Redemption Fund," to meet the payment of these bonds at their maturity, or sooner. Already there have been completed in the county of Owyhee, many miles of the lines of this company. The citizens of that county, aided in the construction of such lines, not by asking money out of the Territorial or county Treasury, but by individual payments. The lines and equipments of the company are taxable for county and Territorial purposes. In this taxation the people of Owyhee and every other county are interested, as well also, as are all the creditors of the Territory, yet it is proposed in this bill to divert such taxes, from the peo-

ple of the Territory, and from its creditors to the benefit of these three counties to assist them in the proposed reimbursement scheme.

There are, in my judgement, many other serious objections that might be urged against the bill, but want of time, prevents me from any further consideration thereof. I have already pointed out objections enough, to compel me, acting for the people of the whole Territory, to withhold my approval from the bill.

T. W. BENNETT,
Governor.

The question then being, "shall the bill pass notwithstanding the Governor's veto?

AYES—Anderson, Baldwin, Cave, Culp, Hunt, Luney, Sidebotham, Steward, White C. R., White J. W., Mr. Speaker.—11.

NAYS—Campbell, Cleary, Clemens, McCarty, Moore, Nelson, Paddock, Pierce, Pool, Rhett, Shoup, Tuthill, Waldrip. —13.

So the Governor's veto was sustained.

Executive department
Territory of Idaho.
Boise City, Jan 15. 1876.

To the House of Representatives:

I have this day approved H.B. No 62 "An act relative to the mileage of the Sheriffs of organized counties".

Also H.B. No 67 "An act relating to the recording of Quartz claims".

Also H.B. No 1 "An act to establish a public School system". This bill came to me at a late hour of this last day of the session, and I have been compelled to sign the same without examination, or let the bill be lost.

Also H.B. No "An act

[redacted] missioners. This bill came to me at such a late hour of this last day of the session, that owing to its great length, I have been compelled to sign it without examination, or permit the bill to be lost.

Jno Bennett
Governor.

H. B. No 68. An act to provide for the taking effect of certain acts taken up. Read 3d and placed upon its passage.

The Question being "Shall the Bill pass?"

"The Ayes and Nays were taken

Ayes Messrs Anderson, Bowen, Bleecy, Culp, McCarty, Moon, Nelson, Pierce, Pool, Rhett, Stoup, Richbotham, Guthrie, Waldrip and Mr Speaker, 15

Nays Messrs Campbell, Clemens, Lemmy, Paddock, Stewart, White C. R and White J. W. 7

So the Bill passed
Read by title and approved

House took a Recess for a few Minutes -

House Called to order,
Speaker in the Chair,

The Governors Message taken up.

The Question being will the House reconsider the vote by which H. B. No 12 an act in aid of the Construction of Telegraph lines &c & passed &

The vote was reconsidered

The question being "will the House pass the Bill notwithstanding the Governors Veto &"

The Ayes and Nays were taken -

Ayes Messrs Anderson, Baldwin, Bass, Culp, Hunt, Lunny, Sickelbottom Stewart White C. R. White J. W. and Mr Speaker - 11

Nays Messrs Campbell, Cleary, Clemens, McCarty, Moore, Nelson, Paddock Pierce, Pool, Rhett, Thompson Tuttle, Waldrip, 13.

So the Bill failed to pass!!!

4-1-7, 15 P.M. House took a short recess Subject to the call of the Speaker.

House Called to order, Speaker in the Chair.

Message from the Governor.

Mr Speaker,

I am directed by the Governor to return to your honorable body H. C. Res No 7 relative to a distribution of Arms to the members of the Legislative Assembly without his approval and with his objections thereto.

Executive Department.
Territory of Idaho,
Boise City, Jan 15. 1875.

To the House of Representatives:

I have the honor to herewith return to your honorable body House Concurrent Resolution No 7. relative to the distribution of certain Territorial arms to the Members and certain officers of the Legislative Assembly, without my approval, and with my objections thereto.

These arms were granted to the Territory for the sole purpose of arming the militia for purposes of the public defense. And at the present session of the Legislative Assembly

passed an act requiring the Governor to hold all arms and ordnance stores as the property of the Territory, for the sole purpose of the public defense. That act is now in force, and cannot be repealed by a Government Resolution. The distribution asked for in the resolution is not in my judgment necessary for the public defense.

judgment necessary for the public defense. I believed that any Member of the Legislative Assembly was in danger of meeting a hostile reception upon his return to his constituents, I would

strain the same to come
and equip him for the
emergency, but believing as
I do that each, and
every member of

The eighth Legislative Assembly will be met by his constituents with open arms and with the plaudit - "well done good and faithful servant" - I most respectfully decline to give the expenditure upon the resolution, under consideration.

I. W. Bennett,
Governor.

Governors Message taken up and read -

Message from the Council

Council Chamber
Boise City - Jany 15, 1875

Mr Speaker

I am instructed to inform Your honorable body that the Council have this following bills which they herewith transmitted

H. B. No 68 An Act providing for the taking effect of certain acts &c

Also H. B. No 71 An Act to provide for the printing of certain acts

E. J. Lauer
Chief Clerk Council

Message from the Governor,

Executive Department
Territory of Idaho
Boise City - Jany 15. 1875.

To the House of Representatives

I have this day approved H. B. No 66. An Act to provide for keeping up and Maintaining the Territorial Law Library of Idaho and for expiring thereof, Also. H. B. No 63 An Act - Concerning toll roads bridges and ferries in Ada County Also H. B. No 43 An Act - to authorize the County Commissioners of Ada County to build a bridge in Ada County

M. W. Bunnell
Governor

By leave. Mr Hunt introduces H. B. No 72 "An act to provide for the payment of News papers furnished the Eighth Legislative Assembly of Idaho Territory —

Read 1st & 2d times. and on motion Rules were suspended. Bill Considered engrossed, read 3d time and placed upon its passage.

The question being shall the Bill pass?

The Ayes and Nays were taken Ayes. Messrs Anderson. Baldwin. Campbell Chase, Cleary, Clemens. Culp, Hunt Luney, McCarty, Moon, Nelson Paddock, Price, Pool, Rhoto, Shoup, Sidebottom, Truitt, Waldrip, White C. R. White J. Ev. and Mr Speaker - 22

Nays none

So the Bill passed
Read by title and approved.

Mr Speaker,

Your Committee on Enrolled Bills have examined and found Correctly enrolled H. B. No 71. and this day at half past 8 o'clock this day delivered the same to the Governor for his approval

Price
Chairman

Mr Speaker

Your Committee on Enrolled Bills have examined and found Correctly enrolled. H. B. Nos 63. 66. & 43 and this day at 8 o'clock P. M. delivered the same to the Governor for his approval

Price
Chairman

Resolved,

That the thanks of this Assembly are due and are hereby tendered to Hon E. A. Stevenson, Speaker of this House our acknowledgments for the ability and efficient manner and his faithful and untiring efforts in the discharge of the various duties devolving upon him.

Also.

We tender our acknowledgments to the Chief Clerk and Assistant Clerks, Sergeant-at-Arms and other attaches of this House for the faithful manner in which they have discharged their several duties and for their respectful Consideration shown the members of this Assembly during the entire Session.

J. B. Pierce

On Motion the Resolution was unanimously adopted -

Col. Shoup, on behalf of the Members of the House presented to Hon. E. A. Stevenson, Speaker of the House, a Magnificent Album and Gold Pen, as a testimonial of the high esteem in which he is held by the members of the House, as a Gentleman, an Able and impartial officer -

Mr Stevenson, accepted the present with thanks and heartfelt good wishes for each and every member of the House and assured the members that it was receives in gratitude and would be transmitted as an heir-

loom to his Children —

Message from the Council.

Council Chamber
Boise City Jany 13th, 1875

Mr Speaker,

I am instructed to inform Your honorable body, that the Council have had under Consideration and passed;

H.B. No 60 An act relating to Officers fees in Nez Perce County,

Also

H.B. No 72, An act relating to Journal papers

which is herewith transmitted

E. J. Curr
Chief Clerk Council

Council Amendments to H.B. No 72 read and on motion Amendments adopted.

Mr Speaker,

Your Committee on Enrolled Bills have examined and found Correctly enrolled H.B. No 60 and this day at 40 minutes past 9 o'clock P.M. presented the same to the Governor for his Approval

Pierce
Chairman

Message from the Governor

Executive Department
Idaho Territory
January 15th, 1875

To the House of Representatives

I have this day approved
H.B. No 91 An act to provide for the
printing of certain Acts:
Also
H.B. No 60 an act in relation
to County officers regulating Fees
and Salaries in Nez. Perce County

W. W. Bennett
Governor

On motion of Mr Campbell Hour
Rule No 57 was Suspended for
the balance of the Session

Mr Speaker,
Your Committee on
Enrolled Bills have examined and
found Correctly enrolled H B's Nos
68 & 92 and this day at half past
10 o'clock P.M. presented the same
to the Governor for his approval

Price
Chairman

Message from the Governor.

Executive Department
Territory of Idaho
Boise City, January 15th 1875

To the House of Representatives

I have this day approved H.B. No 72 "an act to provide for the payment of Newspapers furnished the Legislative Assembly

Also. H.B. No 68.
"An Act providing for the taking effect of certain acts"

G. W. Bennett
Governor.

Mr Pierce moved that a Joint Committee consisting of three members of the House and two members from the Council be appointed to wait upon the Governor and inquire if he has any further Communications to make to either House

The Motion prevailed,

The Speaker appointed the following Gentlemen as such Committee on the part of the House

Mssrs Pierce, Shoup and Lemey.

Message from the Council

Council Chamber
January 18th, 1875

Mr Speaker.

I am instructed to inform Your honorable body that the Council have had under Consideration and passed,

C. C. R. No 16 relating to pay for Newspapers and respectfully ask the Concurrence of the Honorable

which is here with transmitted

E. J. Carr
Chief Clerk of Council

C. C. R. No 16. in relation to Newspapers taken up and adopted -

Message from the Governor.

Executive Department
Territory of Idaho
Boise City January 15th, 1875

To the Speaker
of
The House of Representatives

I have to inform your honorable body, that I have no further Official Communications to make —

Allow me to say, that I thank each and every member of the House and its Officers for the many evidences of friendship and respect shown me upon all occasions during the Session.

C. W. Bennett
Governor,

The Speaker, at 12 o'clock P. M. declared the Eighth Session of the Idaho Legislative Assembly adjourned Sine Die —

THE

BIENNIAL MESSAGE

OF

THOMAS W. BENNETT,

GOVERNOR OF IDAHO,

TO THE

Eighth Session

OF THE

LEGISLATURE OF IDAHO TERRITORY.

BOISE CITY:
MILTON KELLY, BOOK, JOB AND NEWSPAPER PRINTER.
1874.

MESSAGE.

Mr. President, and gentlemen of the Legislative Assembly:

It is a matter of congratulation, that we meet under auspices so favorable for the successful accomplishment of good, for the people whose public servants we are. It often happens that the peoples representatives assemble, in times of great political excitement, when too often, the public welfare is overshadowed by partisan prejudices, and party zeal, under cover of which, sometimes perpetrated legislative outrages upon the rights and liberties of the people. And the history of politics in our country shows that such derelictions are not confined to any one section of the country, nor to any party. But I am grateful to remind you, that we meet at a time peculiarly free from all such disturbing elements. Never in the history of our country, did party ties bind less tightly the consciences of the people, or party prejudices less poison the public mind. While the late elections, all over the country, have taught the people many valuable lessons, yet no one fact was made more clearly manifest, than that the people are no longer to be measured by standards prescribed for them, in party conventions, and in ring caucuses; that mere party nominations cannot hereafter be relied upon, to insure preferment at the hands of the voter; and in short that this is indeed a government of the people for the people. And the late election in this Territory, has demonstrated that we are no exception to the salutary rule, for here, as elsewhere, the methodical, and healthy "scratching" of the intelligent voter, enfiladed party lines from flank to flank and resulted in a wholesome purification of the political atmosphere. In the clear light, and calm, which has succeeded this

healthgiving [illegible], with our pledges to the people for reform, retrenchment, economy and faithful service, still fresh on our lips. Then, in this spirit of candor, and purpose, let us go forward to the work before us, divested of every motive, save that of a faithful, honest, and unselfish discharge of the high trust imposed upon us, by our [illegible] the people.

ELECTION OF COUNCILMEN.

Prior to the late general election, [illegible] were elected for the term of four years [illegible] Act of Congress, approved March 2, 1868 [illegible] of Congress, approved March 3, 1869 [illegible]. The members of both branches of the Legislative Assemblies of the Several Territories, shall be elected for [illegible] years. And each Territorial Legislature [illegible] the first session after the passage of this act [illegible] law carrying this act into effect. This [illegible] Congress was evidently overlooked by the [illegible] Legislative Assembly, upon which [illegible] the provisions enjoined by the [illegible] sequence was that members of the [illegible] session, held over to seats in the [illegible] vention of the act of Congress. In p[illegible] tion for the election of members to the [illegible] the Legislative Assembly, I discovered t[illegible] and issued the proclamation according [illegible] devolves upon this session to perform th[illegible] ises, which was enjoined upon, and neglected by the [illegible] session.

OFFICERS OF THE TWO HOUSES.

The following circular has been furnished me, and which I now submit to you for your information and guidance:

"TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
WASHINGTON, Aug. 14, 1874.

By act of January 53, 1873, members of each branch of a Territorial Legislature, are allowed a compensation of six dollars per day and mileage, as allowed by law. The President of the Council, and the Speaker of the House, are each allowed ten dollars per day. The following officers are allowed to each branch of the Legislative Assembly, viz: One Chief Clerk, at a compensation of eight dollars per day; one Assistant Clerk, one Enrolling Clerk, one Engrossing Clerk, one Sergeant-at-Arms, one Doorkeeper, one Messenger, and one Watchman, at five dollars per day, each. No other officers or

employes are authorized, and none others can be paid by the Secretary of a Territory. R. W. TAYLOR, Comptroller.

I refer to this circular thus early in the [illegible] pose of respectfully saying, that in [illegible] therein enumerated, are amply sufficient [illegible] ties that may be imposed upon them [illegible] tion therein mentioned, is fully adequate [illegible] persons to fill these various positions [illegible] perform the duties thereof.

It has not been unusual for [illegible] sessions of the Legislative Assembly of this Territory [illegible] defined in the foregoing circular, [illegible] about additional officers, creating new offices, increase the [illegible] ation of officers, employ assistants to incompetent officers, invent experts, all at the expense of the territorial [illegible]

Resolutions for such purposes, are generally passed during the last days of the session, and sent to the Governor for his signature, and while he may suspect that all these supernumeraries, are mere political pensioners, whose only claim on the treasury consists of scars received in battle for their party, yet he is told in piteous tones, that the labor has already been performed, and that it would be rank injustice to withhold the pay, and the Governor, perhaps, like the legislator, has a "weakness for these good fellows" who usually secure these nice little offices, and he signs the resolutions, and the money is gone. But I desire here to foreshadow somewhat, the hard-hearted course I shall be compelled to pursue with reference to all such resolutions, whatever may be the party predilections, color, or sex of the beneficiary.

RETRENCHMENT AND REFORM.

During the campaign prior to the late general election, the principal topics of discussion among the voters were retrenchment and reform, in the expenditures of the public money. And especially was it urged, that great reductions should be made in the expense of assessing and collecting taxes, and in the salaries and perquisites of public officers. And doubtless most of you gave solemn pledges to your constituents that you would devote your best efforts to the accomplishment of these needed reforms. Before elections, candidates for office generally agree to a reduction of salaries, but after elections, it sometimes happens, that the incumbents of office change their views and beseech the law-making power to increase rather than diminish their emoluments. And experience has taught me, that

[redacted] too often, the [redacted] the office holder, [redacted] by [redacted] fight over the battle, they [redacted] not be said of us that the [redacted] come up to the lofty and [redacted] Certainly there is great [redacted] ritory of Idaho is young and we [redacted] a debt which bears heavily upon [redacted] counties. And to our shame be it [redacted] debts, we can point to no [redacted] pensions [redacted] to alleviate [redacted]

It [redacted] mind that the business of this Territory is [redacted] settled basis, and that prices are appreciating [redacted] with the prices in older communities. [redacted] necessity may have existed, for the cumbersome and extravagant political machinery of the speculative days [redacted], when the plentiful yield of our placers, and the [redacted] prices of commodities, and labor, gave to the taxpayers [redacted] of princely liberality, it is certain that no such necessity now exists. Then the people were enjoying a sudden yield of temporary, and speculative prosperity, now they are down to the hard-pan of permanent and substantial progress; which is all the better if they but conform themselves to the change. It would, perhaps, hardly be appropriate for me to specify in detail, the measures of legislation proper to be enacted for the reduction of public expenditures, for you are doubtless more familiar with the subject than I am, and having come fresh from the people, you are well-acquainted with their demands. But you will pardon me if I revert to a few particulars where, in my judgment, great savings could be effected. There is no subject upon which the people are more sensitive than that of taxation. Taxes at best are but a necessity, and when extravagantly laid, or expensively [redacted] collected, become a burden too grievous for a free [redacted] Now I express my own convictions and believe I express the convictions of every intelligent citizen, when I say, that the taxes of this Territory can be assessed and collected for one-half of the present expense. In the first place, the people's money passes through too many hands. Take for example the county of [redacted]. Under the present law the assessor assesses and collects, the sheriff collects license money, [redacted] collects delinquent taxes, and the Treasurer receives and disburses the funds, [redacted] are paid salaries and percentages. [redacted] calculation of the amount paid by the people for this work, but

assessing, collecting and indirectly, the whole amount of county, for the year during that year, paid for this work alone county, the following sums, viz: to Sheriff, $514 50; to paid to the District lection and delinquent taxes. While for territorial taxes and licenses for the same ficers of the several counties, received following sums, viz: Amount deducted by taxes, $3,998 25; on poll taxes, $1,939 3[illegible] allowances made by County Commission[illegible] ing a total paid to county officers for the collection torial taxes, of $13,740 83. The whole amount of the ritorial taxes for that year being $52,865, [illegible] siderably more than one-fourth of the whole amount paid the county officers alone. This is probably not the fault of [illegible] but the fault of the law that suffers [illegible] to leak from the public treasury. [illegible] to your common sense, [illegible] cannot be well done for [illegible] than now paid for fees [illegible]?

How shall this reform be effected? It can be done in no other way than by a vigorous, earnest and powerful application of the legislative power, to the reduction of the fees, salaries and perquisites of county officers. In my judgment, the officer should have no duty to perform other than the assessment of real and personal property, and the enumeration of taxable polls. The duties of his office would then consist of [illegible], and the exercise of that very common sense which every man should be paid an extra compensation for possessing. For his services he should be paid not exceeding $3 per diem. This per diem would be more than such an officer could earn in any other employment, such as mechanical labor, farming, etc., and his duties would require no more time than either of these. In the more populous counties this work could be done in one hundred days, costing $600; in the medium counties the work could be done in sixty days, costing $360; while in the less populous counties the work could be done in forty days, costing $200. And the applicants for the positions would be "too numerous to mention."

The County Auditor [illegible] be required to audit, and duplicate the property [illegible] returns. For this [illegible] ties he [illegible] together [illegible] County [illegible] services.

The C[illegible] collecting [illegible] the Audi[illegible] should b[illegible] payer sho[illegible] per diem [illegible] tax-payer[illegible] time, sh[illegible] this [illegible] in[illegible] $1,[illegible] $500. [illegible] the handling of the money [illegible] sibility.

Delinquent property and poll taxes should be collected by the Sheriff, upon precepts issued to him by the Auditor, which precepts, by law should have all the forms of executions, and the Auditor and Sheriff should be allowed reasonable fees for such work, to be in addition collected from the delinquent persons or property. And especially should it be provided that in no case, should any county officers be allowed to retain or receive from the county treasury any compensation whatever, other than their salaries, which should be paid from the respective county [illegible] A system like the one I have intimated, I am sure [illegible] ve to the people annually, many thousands of dollars, while the services would be equally as faithfully rendered. Fees and percentages should never be allowed, only in cases where collected from individuals. Counties should always pay for services rendered, in salaries to be fixed by law. Such is now the case in reference to the Territorial officers, and it works well. Let us try it in the counties.

In this Territory, a large portion of the expense is [illegible] by what I consider an unwise system of District [illegible] and in the payment to them of extravagant salaries [illegible] In another place I shall submit my views upon the expediency of a change in the system, and shall only now say, that if the

present system is to be continued, there should be some important changes made in regard to the fees. All provisions for extra compensation to be [illegible] be repealed. They should not be [illegible] fees, to draw any fees from the [illegible] tions for misdemeanors, but [illegible] le tion from convicted defendants [illegible] cover all services of whatever [illegible] fees should be allowed [illegible] present at the trial in person [illegible] stands, the District Attorney [illegible] the defendant is convicted, as where he stands mute, or that an accused person is found guilty. And to this case, and the District Attorney gets the [illegible] nothing, as he does [illegible] the fee should be reduced [illegible] By reference to the report of the Auditor of the county of [illegible] will be seen that the District Attorney [illegible] from the county treasury the sum of nearly [illegible] dollars for fees. If he was fortunate in the [illegible] two counties of his district, and they are equally populous, he certainly has, with his salary, a tolerable good thing; when it is remembered that he has more than half of his time to attend to the duties of his profession. Then I submit that there is abundant room for retrenchment in the particulars that I have mentioned. No fears need be entertained that the offices will be left without incumbents in case of these reductions, for "few die and none resign."

I earnestly hope that no political or personal considerations, will swerve the people's representatives from the performance of the people's work in this ripe field of reform. The people expect it, doubtless you have promised it, and above all it is right.

DISTRICT ATTORNEYS.

And now I submit to you, whether this is not an opportune occasion for the passage of a law which shall at once make the office of District Attorney less expensive, and more effective. Under the present law, a District Attorney is required to perform the duties of his office in three counties, and in most cases the counties of these counties are separated by several hundred miles, [illegible] ties, he is compelled [illegible] and [illegible] has not be [illegible] for the other [illegible] forced [illegible]

spend much of his time and salary in traveling to
the counties of his district. And when he gets to
distant counties, he is unacquainted with the peo
circumstances, and can know but little, or not
mission of crime there, and certainly has but
to give that advice to county and precinct
him in the law. The Territory now pay
annually for her District Attorneys, in
think a calculation will show that
to pay for loss of time, and expense of
ties of the office are left in the hands of
to make a living from the county treasuries
ment it would be much more economical
vide for a Prosecuting Attorney in each
ing to each county an officer of its own
an irresponsible, and probably incompetent
the people have no control, and at the same
officer at hand for consultation, instead of
counties, and hardly ever seen save in
resides. The salaries of these county
could be fixed at sums not exceeding $500
populous counties, and at not exceeding $250
lous counties, with reasonable fees in crimin
be—in all cases of misdemeanor—collected
offender, and in no such case to be paid from the
office. Such salaries should be paid from the respecti
treasuries. Such a law should provide that the persons elected
as District Attorneys at the last general election, should be
Prosecuting Attorneys of the counties where they
resided at the time of their election, and the vacancies
be filled as provided for in the Organic Act. This pl
save all expense of travel and loss of time, and
a considerable sum to the Territory and
salaries, while it would insure greater efficie
the people, and the officer could better
duties of the office in his own county, at the
than he can under the present system, in three
present salary. It may be said that Congress
such an arrangement. This is true, but it was
enormous emoluments provided for
system. In your efforts at these
opposition at every step, from
friends.

LOBBYING.

If the public [illegible] of the country can be believed, and if the prevalent [illegible] of the people is correct, one of the greatest evils [illegible] under our system of government, is that of [illegible] lobbying. And I am constrained to say that [illegible] legislation compels me to believe that there is too much truth in the charge. It too often happens that bills are passed or defeated because of the persistent importunings of interested [illegible] salaries and fat perquisites are created and [illegible] for the sole benefit of the recipients, who, with their [illegible] are vigilant and punctual members of the [illegible] It is too often the case that congressional [illegible] legislative enactments are based upon the fallacious [illegible] governments are instituted for the sole benefit of officials [illegible] for the protection of capital. The time is rapidly [illegible] when what is now a stale aphorism, will [illegible] in this country are the people, and that it is labor [illegible] fostering care of the government, [illegible] not the tax collector, is most [illegible] of law. The laws and customs of [illegible] have been steadily encroaching upon the rights of [illegible] now are dawning, and soon he, who by his labor [illegible] be recognized as the political equal of [illegible] possesses and enjoys it. One has well said: [illegible] question that challenges the attention of [illegible] which will not down at the bidding of a subsidized [illegible] or by incompetent and pur-blind statesmen, is, the [illegible] tment, and honest division of the profits arising [illegible] efforts of labor and capital,—in a word, the labor [illegible] That labor has never received an equitable share [illegible] wealth it creates, is a fact that few will deny, and none [illegible] disprove. That a monstrous injustice is daily being done, everywhere, to the real creators of wealth, needs no other proof than that furnished by a comparison of the condition of the laborer, everywhere, with that of the capitalist of [illegible]

Wealth being the product of labor, it would be natural to suppose that its creators would be its principal possessors: but this is not the case, any where, and never has been. By cunning legislation, and for the want of any equitable measure of to equivalents in the commerce of mankind, the wealth of the world centers in the hands of a few persons, who did not and could not give an equivalent for it.

We cannot, perhaps, do much to effect a reform in this par-

ticular, but by a judicious retrenchment of our expenditures, we can greatly lessen the burdens of our people, who mostly belong to the laboring classes.

FINANCIAL

I herewith submit for your [illegible] of the Controller and Treasurer, [illegible] the financial condition of the Territory [illegible] better. And I feel assured, that [illegible] trenchment is put into operation [illegible] edness is one of easy solution [illegible] ritory, in principal and interest, [illegible] The outstanding warrant debt is [illegible] and interest, less cash in the treas[illegible] rent debt, in my judgment, [illegible] der the operation of the presen[illegible] reduction of fees and salaries, [illegible] in due time.

The funded debt should be pro[illegible] for. The bonds will all mature [illegible] Legislative Assembly. It is certain [illegible] of these bonds. What then is [illegible] for this? Evidently it is to [illegible] all the information that I can [illegible] all of that class of our creditors, [illegible] proposition, if we show our willingness [illegible] in the future. I would therefore recom[illegible] a law, authorizing the issuing of new bon[illegible] this indebtedness, payable ten years after [illegible] at the rate of ten per cent. per annum from [illegible] payable semi-annually, and that these bonds [illegible] be interchangeable for old bonds, dollar for dollar, at the option of the holders of the old bonds, and that in case such exchange cannot be effected with the holders of all the old bonds, the new bonds remaining on hand shall be negotiated for [illegible] at a rate of discount to be fixed in the act, and the proceeds thereof applied to the payment of the old bonds, not so interchanged. The act authorizing these new bonds, should specifically provide for the setting apart of a fund to meet promptly the interest as it accrues, and for a sinking fund for the payment of the principal at maturity. This sinking fund need not be commenced prior to 1880. This can be done without an increase of taxation. But I commend the whole subject to your careful consideration, and respectfully ask you to make a thorough examination of the reports, books and offices of the [illegible]

One of the most prolific sources of confusion and extravagance, in the legislatory, and at the same time the most easily remedied, found in the system of special legislation which obtains. It has been a custom in our Legislative Assemblies, to allow the members from each county to regulate the affairs of their respective counties, without interference of members from other counties. Hence we find, on subjects, each county has a law unto itself. In the same grade, are charged with the performance of many different duties, in different counties, and receive greatly dissimilar compensations for precisely similar duties. I will mention one example to illustrate the point. In the county of Boise a sheriff receives a salary of $[illegible] per year, while in the county of Ada, of equal population and business, the sheriff receives but a salary of $[illegible]. In Boise he gets $[illegible] per day for boarding prisoners in the county jail, while in Ada he gets but $1 25. In Boise he gets for services of [illegible] per day *during the whole year*, while in Ada he gets for the same purpose but $3 per day, and *that only when in session*. I can account for these differences, only by the hypothesis that the subject was left entirely to delegations from the respective counties, and that they measured the remunerations of these officers, not so much by the value of the services to be rendered, as by the political predilections of the incumbents. As revolutions at the ballot box change the political complexion of the officers and the members of the Legislature, laws are changed to meet the emergency, and in consequence our laws are uncertain, unequal, unjust, and often unintelligible, while the dear people who are the constituents of each lavish love just before the elections, are [illegible] bills. I can see no good reason for this custom, and believe it would be more honored in the breach, than in the observance. And I am equally unable to see any good reason for the enactment of a special law upon any general subject, and most subjects can be made general, and met with a general law.

SCHOOLS AND EDUCATION.

I need not enter upon any extended remarks upon the subject of education, for it is everywhere conceded, that upon a wide and thorough diffusion of knowledge, depends greatly the

welfare and the happiness [illegible] and it is no less a conceded fact that the common school is the solution of the [illegible] whatever other agencies may [illegible] people, [illegible] schools should [illegible] of a vigorous and effective support. [illegible] where the ratio of property and children approximates a general equality among the several counties, a system of taxation and distribution of school funds by the State, irrespective of county lines, has been found the most [illegible]. But in a community like ours, where the people of the county, by reason of a peculiar system of [illegible], cede on supposed religious injunctions an [illegible] property in excess of, and widely disproportioned to, taxable property, it becomes a mooted question [illegible] tax-payers and school patrons of other counties, situated in this particular, whether this general plan of taxation according to property, and distribution according to children, is the most equitable that can be devised. From a review of the operation of the present system for the last year, I find that the whole amount of the school fund in the Territory raised from the ten per cent. apportionment for distribution among the several counties, was $3,859 [illegible] sum the county of Oneida received the sum of $2,0[illegible] the other eight counties of the Territory, in the aggregate, received but $1,[illegible]28. And that of the taxes raised, from which this school fund was apportioned, the county of Oneida paid only $2,804 79, while the other counties, in the aggregate, paid the sum of $36,324 01; showing that while the county of Oneida paid but one-fourteenth of the taxes, she received considerably more than two-thirds of the school fund. From which considerations, I am forced to the conclusion, that common justice requires such a change in our school law as will lessen the territorial taxes, by a repeal of the ten per cent apportionment for school purposes, and the adoption of a provision requiring a school tax to be levied in each county by the Commissioners thereof, at a rate to be fixed by the Legislative Assembly, and to be collected by, and distributed in the respective counties for the support of the schools therein, and leaving only for general distribution, such school funds as may be derived from sources other than taxation. In this connection, I desire to remind you that several of our citizens, inspired with a commendable zeal for the furtherance of the cause of education in our Territory, have inaugurated a movement for the establishment of a University at Boise City, to be

called the "University of Idaho." You will probably be called upon for a charter for the Institution, which I doubt not

sion, when factious opposition

sure. A bill was then introduced in Congress by our Delegate, authorizing the Governor to make such an apportionment, which bill passed the House of Representatives and is now pending in the Senate. I apprehend that the

last general election, will show the inequality of the present apportionment in a still more unfavorable light. It is to be hoped that you will correct this inequality, and prevent the necessity of congressional interference.

ARMS AND ORDNANCE STORES.

Congress is charged with the duty of arming and equipping the whole body of the militia. In the year 1808 an act was passed, making a permanent annual appropriation of $200,000 for that purpose. This act was amended in 1808, and the same year certain authorized regulations of the President were issued, and by virtue of which this Territory, since its organization, has yearly been entitled to its proportion of arms, to be drawn upon the requisition of the Governor, but for some reason this quota was never drawn until on the 15th day of February 1873, I made a requisition on the Ordnance Department for five hundred stand of regulation breech-loading rifled-muskets, together with all the corresponding equipments and amunition These arms and stores were shipped to me, free of expense to the Territory, in June of that year. In the month of June 1874, I made another requisition for cavalry arms and equipments, and on the 5th day of November, ultimo, I received 86 regulation, Springfield carbines, 86 Colts revolvers, 86 sabres, and all the accoutrements and ammunition necessary to a complete first-class cavalry outfit. The two shipments aggregating in value to nearly $20,000. And I shall continue to make requisitions

[redacted] these [redacted] con- [redacted] manage- [redacted] property of [redacted] Territory, and [redacted] with the [redacted] that you will devise, and [redacted] shall [redacted] provide for the management [redacted] and [redacted] neces- [redacted] rial, which will in a few years be sufficient to arm [redacted] equip the whole militia of the Territory.

EXECUTIVE CONTINGENT FUND.

Experience has proven that many [redacted] arise, requiring the payment of small sums of money to meet certain expenses of the Territory, in connection with the Executive Department. During the last two years, claims have been presented to the Governor for rent of building and storage for territorial arms and equipments, and for handling the same, also for express charges upon valuable books sent to the Territory from other States and Territories. No fund is provided to meet such expenses, and others of a similar character which are unavoidable. I therefore respectfully recommend that you make a small appropriation to defray such expenses.

MINES AND MINING.

The mining interests of this Territory will doubtless, for many years to come, be the chief concern of our people, and should in every possible way receive the fostering care of the law-making power. A movement has been inaugurated for the construction of a "Bedrock Flume" in Moore's Creek, and its tributaries, in the county of Boise. While I am not familiar with the details of the proposed enterprise, I am well satisfied that the successful accomplishment of it, would be of immense advantage to the country in the greatly increased yield of the precious metals, and in the accelerated prosperity of every interest in the great "Boise Basin." Of course, all legislation on the subject, should carefully guard the interests, rights and privileges of all persons who own claims to be effected by said enterprise.

In [redacted] leave to inform you that a proposition is now pending [redacted] States Senate, looking to the abolishment, or removal of the United States Assay Office, located at Boise City. I feel well assured that the adoption

[redacted]

Office.

INDIAN AFFAIRS.

At the last session of the Legislative Assembly, I had the honor of calling the attention of that body, to the fact that the treaty made with the Bannock and Shoshone Indians, in 1868, provided that these Indians should be allowed to hunt and fish any where in the Territory, which provision simply resulted in turning the Indians loose upon the settlers. I urged them to memorialize the Indian Department on the subject, and request such a reformation of the treaty as should abrogate the obnoxious provision, and in the future, require the Indians to remain upon the reservation set apart for them. Such a memorial was passed, and armed with it, I proceeded to Washington, and succeeded in securing the appointment of a commission to meet these Indians in general council, and if possible, effect the desired change in the treaty. The commission successfully performed the duty assigned it, and obtained the end sought. But to make the arrangement effective, it is necessary that all scattered and roaming bands of Indians should be forced to go upon some of the existing reservations, and made to stay there, and some person should be specially authorized and empowered to perform this duty, and money should be appropriated by Congress for the purpose. To meet these ends, I presented to the Commissioner of Indian Affairs, a detailed statement of the facts, and urged the subject upon his consideration. He cordially endorsed my views, but as yet, Congress has not made the necessary appropriation, and the whole matter rests for want of authority and means to complete the work. The whole Indian question is one of difficult solution, but it is certainly clear, that if the reservation plan is to be adhered to, all roving bands of Indians should be forced to go to reservations, and make them their homes.

PENITENTIARY.

Soon after the adjournment of the last session of the Legislative Assembly, Congress passed an act requiring the Attor-

General of the United States to transfer the penitentiary in Boise City, to the territorial authorities, not the title to the [illegible] establishment of the institution. In pursuance thereof, I was informed by the Attorney General that he was ready to make the transfer to me. Being well assured that such a change would vastly increase the expenses of this Territory, I protested against the same, and requested of the Attorney General an investigation of the operations of the law, until the next session of the Legislative Assembly. And I was informed that my request was granted. Copies of the correspondence between the Attorney General and myself, on the subject, I herewith submit for your information. At the last session of Congress, through the efforts of Hon. John Hailey, our Delegate, the act requiring the transfer, was repealed, and the matter was left in good shape, the territorial prisoners being kept in the United States, under a contract which I have made with the United States Marshal for the District of Idaho, who acted for the Attorney General. That you may see the advantages of the present system, over the one in operation prior to the removal of the prisoners to the United States penitentiary, I submit the following figures taken from the books of the Controller. Under the old arrangement, going back only to 1869, there were warrants drawn on the "prison fund" as follows:

In	1869,	$17,657 49
"	1870,	18,787 98
"	1871,	11,471 56
"	1872, for 2 months and 21 days,	3,758 25

While under the present plan, warrants have been drawn on that fund as follows:

In	1872, for 8 months and ten days,	$3,064 83
"	1873,	2,542 14
"	1874,	1,778 40

Showing that under the former plan, the keeping of our prisoners cost an average of $15,972 33 per year, while under the present plan, they cost but an average of $2,210 27 per year. Being an annual saving to the Territory, of $13,762 06. And this expense could be materially decreased, by a sufficient appropriation from the treasury to meet in cash the monthly payments to the United States, and thereby save the discount on the warrants. By such an arrangement, the "prison fund" would very soon pay off all outstanding prison warrants, and leave the matter upon a cash basis. The sum necessary to meet these monthly payments, being small, it could easily be paid

in cash, from money in the treasury, appropriated [illegible] purpose.

BOISE CITY CHARTER.

Boise City is the territorial capital, and [illegible] city in the Territory, and yet the comfort [illegible] and good government of its citizens, are [illegible] of the necessary power vested in their [illegible] to enable them to perfect a system of [illegible] ate with their necessities. I am informed [illegible] asked for a new charter for that city, which [illegible] and will be submitted to your consideration [illegible] that you may give the subject that attention [illegible] merits, and that you will act in reference [illegible] ality and sense of justice for which the people of Idaho are so eminently characterized.

FUGITIVES FROM JUSTICE.

I desire to call the attention of the Legislative Assembly to the fact, that there is no adequate law upon the statute book, providing for the reclamation of fugitives from justice, who may have escaped the jurisdiction of this Territory. A person may, in this Territory, commit the most heinous crime known to the criminal law, and escape to another State or Territory, and there enjoy immunity from arrest and punishment, because of the absence of any provision of law enabling the Governor to secure an officer, or other person, to bring the offender within the jurisdiction of this Territory. The officer or person authorized by law to make the requisition, but can get no person to execute it unless he can find one willing to do so at his own expense, there being no provision for the payment thereof, the former law on that subject having been repealed by an act approved Jan 15, 1869. To the end that our criminal laws may be surely enforced, and the cause of public justice promoted, I recommend the passage of an act to supply this defect.

CHEAP TRANSPORTATION.

An association has been formed in the United States, known as the "American Cheap Transportation Association" for the purpose of facilitating cheaper transportation of the products of the country. An invitation was sent me to appoint a delegate to the convention of the association. While I have been fully imbued with the vast importance of this question to the people of Idaho, I have been unable to secure the services of a delegate, because of my inability to insure his expenses. I refer the subject to you, with the remark

[illegible] during the past decade, has brought the question of cheap transportation prominently to the front, and it is fast becoming [illegible]. The *producer*, the *manufacturer*, the *merchant*, and the *consumer*, are beginning to realize that Steam and Electricity have inaugurated a new era in commerce—have changed our manners and customs—and that whatsoever may be said of the power or influence of any of the products of the soil, this is evidently the *Transportation that is now King.* It [illegible] production; and in this country its [illegible] those of the Government. How important then that our transportation system should be thoroughly understood and [illegible].

And in this great work, Idaho should, if possible, [illegible].

IRRIGATION.

Closely allied to the subject of cheap transportation, is that of a national system of irrigation. Several of the States and Territories interested in this question, have formed an association for the purpose of furthering this great enterprise. The Governor of this Territory was invited to send a delegate to a convention held at the city of Denver, in the territory of Colorado, but failed to do so for the same reason mentioned in connection with the "Cheap Transportation Convention"—want of funds. There are few subjects of such vital interest to the people of Idaho, as that of rendering available for agricultural purposes the millions of acres of land, which for want of irrigation, are now as valueless as the desert waste. The Government of the United States are with us, equally interested in this question, which has already attracted the attention of our ablest statesmen, and been the subject of recommendation in a message of the President.

The Denver convention adopted a Memorial to Congress recommending, and urging the enactment of a law, embodying the following essential features, viz:

First—To grant to the several States and Territories named in the preamble to this Memorial, one half of all the arid lands, not mineral, within their borders; said lands, or the proceeds thereof, to be devoted to the construction of irrigating canals and reservoirs for the reclamation of said arid and waste lands.

Second.—That the construction and maintenance of irrigating canals and reservoirs shall be under the exclusive control and direction of the Territory or State, as sole owner thereof, under such laws, rules and regulations as the legislature thereof shall from time to time provide.

Third.—That the Territorial and State Legislatures shall have power to make all needful rules and regulations, and take all needful steps for the proper construction and maintenance of such canals, and that such power shall include the power to provide by laws for the issuing of the bonds of the Territory or State for the construction of such canals.

Fourth.—That the proceeds of said lands herein granted shall be kept as an exclusive fund by the Territory or State; first, for the payment of the principal and interest of all bonds so issued as aforesaid; second, that any balance remaining after the payment of the bonds issued as aforesaid shall be used in the maintenance of said canals, or the construction of other canals, as the Legislature of said Territory or State shall, from time to time by law direct.

Fifth.—That any lands within said Territory or State which shall be filed on under the provisions of the pre-emption and homestead laws of the United States, after the passage of this act, shall be subject to the operations of this act. If the said lands shall be brought under irrigation by the construction of said canals.

Sixth.—That the lands so donated to the several States and Territories herein named, and the remainder of the public domain therein belonging to the general government, shall be disposed of under revised and more strict pre-emption and homestead laws than are now in force, and that no title shall issue until the claimant shall be a *bona-fide*, actual settler upon the land claimed.

I submit the subject to you in the hope that we will join our sister States and Territories in this great enterprise, by adopting a Memorial to Congress, in terms substantially the same as in the Denver Memorial, a copy of which I herewith submit.

IMMIGRATION.

Without myself having any well digested views, as to the proper means to be employed to obtain the desired end, I am constrained by a sense of the importance of the subject, to call your attention to the matter of inducing immigration to our Territory. Almost every other Territory has adopted measures for the purpose of fostering this great means of enriching, and increasing their population, and experience has demonstrated that such efforts have been crowned with a success, beyond anticipation. The overshadowing want of our Territory is people, and more capital, for without these we cannot hope for the rapid development of our vast natural

resources. To obtain these requisites, we must [illegible] them. We should advertise our feast, if we would hope to secure guests at our table. We are probably [illegible] that should be done, in this direction, but I [illegible] provide for the gathering up, publication, [illegible] to the world of such statistical [illegible] soil, our pasturage, our timbers, [illegible], mineral, and other resources, as would [illegible] most favorable light. [illegible] have been marked with [illegible] frugal, and industrious men [illegible] and homes within their borders. [illegible] has everywhere lavished her [illegible] nothing to publish the fact to the world [illegible] ourselves, with quietly sitting down [illegible] wealth, "unhonored and [illegible] sister Territories have out[illegible] and growth. All [illegible] your candid consideration.

CENTENNIAL EXPOSITION.

The Congress of the [illegible] March 3, 1871, authorized, and [illegible] celebrating the one hundredth anniversary [illegible] by holding in the city of [illegible] International exhibition of arts, manufactures, [illegible] and mine." This Exposition will open [illegible] and continue six months. The President, [illegible] nomination of the several Governors, [illegible] Commissioner, and one alternate Commissioner [illegible] and Territory. In this Territory the Commissioners [illegible] Thomas Donaldson, and C. W. Moore, Esq., [illegible] whose ability, energy, and thorough acquaintance with the subject, render them eminently fitted for the performance of the duties imposed upon them. And in pursuance of official instructions to me, I have appointed a "Board of Managers" for this Territory. My instructions as to the duties of this board are as follows, viz:

"To provide for the efficient adjustment of the preliminaries to the Exhibition, *and to organize a uniform system to this end throughout the United States*, the several States and Territories are invited and recommended to appoint, as early as possible, State Centennial Managers. They should be selected entirely with regard to their familiarity with the resources, arts, and products of their State, their business experience, and

executive skill. The State Managers, with the United States Commissioner and Alternate Commissioner, shall constitute the State Board of Centennial Managers for each State and Territory.

On the State Board will devolve all the responsibility of organizing its State or Territory, and of securing through representation in the Exhibition. It will [illegible] the interests of its own State and of its citizens in matters relating to the Exhibition; to disseminate information about it, to issue invitations to participate; to receive [illegible] upon applications for space; to apportion [illegible] its disposal among the exhibitors from [illegible] to supervise such other details relating to the [illegible] citizens in the Exhibition as may from time to time be delegated to it by the United States Centennial Commission.

This Board of Managers, consists of the following named gentlemen, the mention of whose names I am assured, will inspire the confidence of the people, viz:

Gen L. F. Cartee, Hon. John [illegible] E. Logan, Esq., J. C. Isaacs, Esq., Thomas Ranne[illegible]i, Esq., C Jacobs, Esq., Austin Savage, Esq., Boise City; W. J. Hill. Esq., Silver City; Hon. Ben. Wilson, Idaho City; Hon. L. P. Brown, Mt. Idaho; Hon. John M[illegible]. A majority of the Board were appoin[illegible] order that a quorum could always be [illegible].

The object of the Exposition is a [illegible] tion of the great event, which gave [illegible] Republic, it is calculated to inspire [illegible] patriotic resolve, that as our fathers [illegible] institutions to us, through the cent[illegible] will transmit them onward through the [illegible] to come, growing brighter and grander as they go. [illegible] of the arts, products, and industries of the country its effects will be momentous for good throughout the civilized world. The Exposition is to be held at the right time, and in the right place. Through you, the peoples representatives, I beseech of them a hearty co-operation to the end, that the great resources of Idaho may be made known to the world, and the success of the great enterprise assured.

ABSENT JUDGES.

Serious detriment has been occasioned to the public business, in some of the counties, by reason of the unavoidable absence of a District Judge. Important terms of court have not been held, and important causes have been delayed. Such

occasions are liable to occur in the future, from the absence resignation, or death of a Judge. The rights of individual citizens, and the ends of public justice demand some adequate provision of law to meet such emergencies.

A law was passed a few years ago, authorizing the Governor to request another District Judge to hold court for his absent brother, but that law was passed prior to the act of Congress, authorizing the Judges to assign themselves to districts. And in no case could it be made available, for the reason that the Judges reside many hundreds of miles apart, and cannot, even when not engaged in holding [illegible] expected to travel long, and expensive journeys, to perform the labor of another, without compensation therefor.

I respectfully suggest to you, the propriety of enacting a law, that will enable the Governor, when requested by the officers of any county, to secure the services of a Judge to hold court, in case of any of the emergencies enumerated.

DIVISION OF THE TERRITORY.

For several years a discussion has been entertained, in some of the Northern counties of the Territory, in reference to the project of annexing [illegible] of this Territory to Washington Territory. A memorial [illegible] the project was passed by the Legislative Assembly of this Territory, and was submitted to Congress at its last session, and was referred to the House Committee on Territories, where upon the suggestion of Hon. John Hailey, Delegate from Idaho, the subject was laid on the table, until this Territory could be heard, through her Legislative Assembly, which body, I was requested to lay the subject. Having so informed that body, I have no suggestions to make, except that it is a question of vast importance, not only to the citizens of North Idaho, but to every citizen of the Territory.

If such annexation is desirable by a majority of the people of North Idaho, it becomes the Legislative Assembly to discuss the question in a candid, and impartial manner, and not in any local or selfish light, but, if on the other hand, as has been recently publicly, and gravely urged by a prominent citizen of that section while soliciting the suffrages of the people, and who occupies a position to know the wishes of the people there, that the agitation is confined to a very few scheming men, who for selfish motives are advocating the project, then the whole subject is deserving of your condemnation. As for myself, I am not sufficiently familiar with the facts, in this particular to furnish you any information.

It has been urged with considerable force, that the Northern counties, are separated from the others by almost impassable ranges of mountains, so as to preclude inter-communication. I submit to you, whether this very pertinent argument cannot be answered satisfactorily, by the taking of immediate steps for the construction of a wagon road from the Walker to the Salmon valley. I would therefore recommend that you memorialize Congress on the subject, wherein you shall clearly express your views, and the views of the people whom you represent, to the end that exact justice may be done, and the question settled in accordance with the will of the people.

ELECTION LAWS.

From an examination of the returns of the late election, as made to the Secretary of the Territory, it will be found that great irregularities, and positive violations of law, have occurred in most of the counties, in canvassing, and returning the votes. I believe that most of these evils can be cured by the passage of a law, requiring the Secretary of the Territory, to have printed, and distributed to the several county Auditors, blanks, for the various abstracts, and certificates required by law, in the making, and transmissions of election returns. It is of the utmost importance that the voice of the people should be heard at the ballot box, and it is equally important that, that voice should be heard only through the channels of the law. Officers of the law having purely ministerial duties to perform cannot correct the blunders, cure the violations, or change the findings of other officers. Neither can officers perform the duties which by law are imposed upon other officers. To permit this would be to yield the only safeguard of the people. Such remedies can only be left to the properly constituted tribunals. In a strict compliance with, and a rigid enforcement of the laws, lies the safety of the people.

RAILROADS AND TELEGRAPH LINES.

The necessity for railroads into, and through our Territory, is so apparent to all our people, that I could add nothing by way of argument, or recommendation, to what has been said, and felt upon the subject. Propositions in aid of the Portland, Dalles and Salt Lake Railroad are now pending in Congress, which, if adopted by that body, I am assured will meet our necessities.

The Nevada and Northern Telegraph Company, have completed, and now have in working order their line, from Winnemucca, Nevada, to Silver City in this Territory, with branch lines to Fairview, and South Mountain. The [illegible]

vantages derived from such enterprises [illegible] and advertising to the world, the resources of a country, can hardly be over-estimated, and their usefulness to the business interests of a community, are almost indispensable. The company are now entertaining a proposition to continue their line from Silver City, by way of Boise City, Centerville, Placerville and Granite Creek, to Quartzburg, in the county of Boise, with a branch to Alturas county, and with the ultimate design of a farther extension. The immense benefits to be derived from the early completion of this great work, commend it to your favorable consideration.

TEMPERANCE AND SUNDAY LAWS.

The question of the enactment, and enforcement of laws for the suppression of intemperance, and for the better observance of the Sabbath, has been discussed by the people, and will doubtless be urged upon your consideration. Probably there are no subjects more calculated to confuse, and confound the legislator, than those relating to the regulation of the habits, customs, appetites, and morals of the people. On the one hand he is shocked by the fearful ravages of intemperance, and the growth of immorality, while on the other he is confronted with the demands of personal liberty, the lessons of experience, and the failure of remedies. Our government was established for the protection of society, and it has been wisely said that, "it never could be an instrumentality for the dissemination of any religious creed, or faith, or for the definition, or enforcement of private morality." In the discussion of the temperance subject, it is not a question as to whether drunkenness is right or wrong, for upon that all are agreed. But the sole practical question is, how can the evil be remedied? It is easy to rail against the liquor trafic, and to denounce men for their indulgences, and it takes but little ability to become a tolerable temperance lecturer, but it requires profound judgment, and enlightened reflection to produce, and defend a plan calculated to work a successful reformation. The legislator need be at no loss for prospective remedies for the cure of the evil, for like patent medicines, they are daily being manufactured, and given to the public with lavish generosity. Neither need he grope in the dark for precedents, for the history of legislation points him to numerous cases where all kinds of remedies have been applied. There are those of a religious turn, who claim that the sovereign balm for the eradication of the evil, is to be found in the "gospel," but stubborn facts testify to the reverse. Then there are those of a confiding nature, who

assume that men can be legislated from a state of sin and degradation, by a single act enacted by the law-making power. But chilling experience has taught us that progress is not hastened in that way. As one has well said, "the whole history of the race shows that human progress has been made by short steps, with long intervals between." I shall not attempt an enumeration of the various devices that have been resorted to, in order to check the evils of drunkenness. Nor shall I enter the realms of invention, and attempt the discovery of a new, and untried remedy. I shall content myself by reminding you, that public sentiment is the source whence comes all effective laws, and must ever be the basis of their enforcement. If this proposition was not almost self-evident, I could cite you to many facts in substantiation of it. In Massachusetts there is probably as high a state of public and private morality, as can be found anywhere. They have a prohibitory liquor law there. It cannot be enforced. The last legislature of that State, passed an Act, virtually annulling the prohibitory statute, but the Act was vetoed by the Governor. At the late election, the people vetoed the Governor, and elected a legislature pledged against prohibition. In Indiana, there was an effective license law, that was sustained for fourteen years by the public sentiment of that State, but a cry went up to the legislature for another remedy. The legislature responded in the enactment of a law, embodying somewhat the "Local Option" features. But the public sentiment of the people of that State had not been educated up to the standard prescribed in the law, and the result was inevitable—the election of another legislature pledged to the repeal of the law. The same could be said of Ohio, and many other States. While in the State of New York, at the recent election, out of 800,000 votes cast, the Prohibition party received but 11,000 votes. These may be unpalatable facts, but facts nevertheless. In the light of these eminent examples, I submit to you, whether the public sentiment of Idaho, has risen higher than the laws now in force? If not, then I insist that while it may be grievous to many, it is certainly the part of wisdom in the legislature to look at things *as they are*, and leave to time, and to the labors of the reformer, to make things *as they ought to be*. As to the other branch of this subject, to-wit: The enactment of so-called Sunday laws, the same may generally be said, as of temperance laws, and something in addition thereto. However much the question of religious faith, and moral convictions, may enter into the consideration of any statute law of this Terri-

tory, the spirit of our free institutions forbids that any law should be enacted merely for the purpose of prohibiting what might be distasteful to the religious and moral feelings of any class of citizens. In perfect accord with the fundamental spirit of our institutions, most of the State constitutions expressly provide, "That all men shall be secured in their right to worship God according to the dictates of their own consciences." That "no law shall in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience." That "no preference shall be given to any creed, religious society, or mode of worship, and no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent." It follows, therefore, that neither Christianity, nor any other system of religion is, or can become a part of the law of any State, or Territory.

But what is the object of a Sunday law? If such a law is founded merely upon the idea of enforcing a day of rest, for a purely sanitary purpose, it must fail, for the reason that it is no more competent for the legislature to enforce a day of rest, than it is to declare what, and how much a man may eat, or what, and how much he may wear. A man may work too much or too little, may eat too much or too little, and may wear too much or too little, but as long as in so doing he does not infringe the rights of others, he is not amenable to any statute law, however much he may do violence to the laws of nature. The time-honored custom of observing one day in the week, as a day of rest, is as beautiful as it is healthful, and its observance is a high evidence of the civilization, and refinement of any people, and all the more so, because of the fact, that the day chosen, is the one observed as the Christian Sabbath. To the Christian, Sunday is vastly more than a mere day of rest, it is to him a holy day, whose observance he believes to have been commanded by the Most High God, while to others it is simply regarded as a wise sanitary regulation, and a happy custom. The wise law is the one that forces neither class, and protects both in the enjoyment of their opinions If, however, the object of a Sunday law is to enforce the observance of the day as a religious duty, it must fail because of its antagonism to the grand principles of religious liberty upon which our government is founded. In the language of a former learned Supreme Judge, of the State of Ohio, now a distinguished Senator in Congress, "we have no union of church and state, nor has our government ever been vested with any au-

thority to enforce, any religious observance, simply because it is religious. It is no objection, but on the contrary a high recommendation to a legislative enactment that it is found to coincide with the precepts of religion. The fact nevertheless is true that the power to make the [illegible] legislative power over things temporal. Most States in their statutes [illegible] day set apart for rest, and worship. [illegible] stand for a moment if their object [illegible] of keeping that day holy, and the [illegible] the observance of that duty for no [illegible] our government, and any [illegible] over another as directly [illegible] Sunday laws upon the [illegible] of religious worship, would be to directly [illegible] conscience, and to prefer [illegible] Christians hold Sunday [illegible] and Seventh day Baptists, with [illegible] that Saturday is the holy day, while [illegible] equal protection of the law, strenuously [illegible] day possessing a holiness above any [illegible] laws are correct, and the authorities on the [illegible] and singularly uniform, then I insist, [illegible] power has recognized the right of all persons to observe Sunday or any other day, in such manner as their consciences dictate, either as a day of worship, or [illegible] it has exercised all the authority it possesses on [illegible] cannot by penal statutes enforce the custom, [illegible] that question to the dictates of every man's conscience, [illegible] the guidance of that general advancement [illegible] and investigation, which is slowly, but surely [illegible] better, and happier.

COMPILATION AND [illegible] LAWS.

In my message to the [illegible] of the Legislative Assembly I called attention [illegible] the statute laws of this Territory were so [illegible] to the many volumes and that there were so many [illegible] subject matter, so many amendments, and [illegible] and obsolete acts that it was difficult to ascertain what is the law. And I had the honor to recommend a compilation and revision of the same. The Legislative Assembly provided, in an act approved January 10, 1873, that the Secretary of the Territory proceed at once to compile the General and Special laws, and have the same published in one volume, on or before the 1st day of October 1873; *provided*, That Congress should make an

appropriation for the publication of the [illegible]

The Secretary failed to [illegible] obvious reasons. First [illegible] compilation would [illegible] together in one volume [illegible] would be far from complete, as there [illegible] acts and amendments on the [illegible] left out very many valuable [illegible] the action of other States and [illegible] indispensable if we would [illegible] improvements, and reforms that [illegible] prudent [illegible] could [illegible] the act referred to, [illegible] prune, or consolidate [illegible] publication of such [illegible] ame, and consequently [illegible] ough revision, which latter [illegible] the aid of the Legislative [illegible] changes as would be [illegible] make the appropriation [illegible] so, as it was determined [illegible] orable body for your [illegible] for a thorough [illegible] so apparent and [illegible] ney, and Counselor [illegible] above referred to [illegible] the Judges of the [illegible] business men of [illegible] ing a complete [illegible] laws of this Territory [illegible] improvements, which [illegible] States and Territories [illegible] in the law everywhere [illegible] acts of our own Legislative Assembly [illegible] work. All acts, and amendments on [illegible] have been consolidated, repealed, obsolete and [illegible] parts of acts have been left out; changes have been made in the wording of provisions, where experience has shown uncertainty, and confusion to exist; additions have been made to more clearly express the legislative intention; and many provisions have been inserted to conform our system of laws to the enlightened advancement of the times which has [illegible] States so simplified the forms, and mode of [illegible]

lic justice, the enforcement of [redacted]
of private wrongs. In the perfo[redacted]
piler has had access to, and d[redacted]
adopted codes of many [redacted]
been greatly assisted, and [redacted]
adopted by the State of Cali[redacted]
say that it is universally [redacted]
system that has yet been [redacted]
constant correspondence, wit[redacted] of Cal-
ifornia, and from that [redacted] of
their labors which have [redacted]
abled to avail himself [redacted]
in the performance [redacted]
is that known as the [redacted]
istence, all the old [redacted] procedure,
which, with their distinc[redacted] between the courts of law and
the forms of equity, made the law more mystery than a
science, and put in their stead [redacted] are in
harmony with the enlightenment of [redacted] and which
meet the approval of all men learned [redacted]
whose minds are so constituted as [redacted]
to any innovations, make sense they [redacted] pro-
fession. I have made a [redacted]
Judge Curtis, and believe he has accomplished [redacted]
With the assistance of two clerks he has [redacted]
both in an engrossed, and in a printed form, [redacted]
islative and Executive action [redacted] before
your honorable body for [redacted]. The cost of the
work to the territory will [redacted] a compensation to
the compiler and his clerical assistants, as will reasonably pay
them for their services. What this amount shall be I am not
able to say, but is a matter of computation between your body
and the compiler. I am well satisfied, however, that the cost
to the territory, will not be in excess of the cost of reprinting
the present laws of the territory, which work will soon have
to be done, as the laws of the second, fourth, fifth and sixth
sessions are exhausted, and out of print. As to the publica-
tion of the volume, I feel assured that Congress will make
[redacted] necessary appropriation, as I learn has been done for other
territories.

To the end that we may have in this territory all our laws
in one volume; that we may rid ourselves of the confusion
now existing in [redacted]; that we may have a system based
on the wisdom and experience of the present age; and that

[redacted]

or else by withholding his approval, render nugatory much legislative labor, and bring down upon his head the maledictions of politicians, whose private interests are sometimes best subserved, by a careful avoidance of the truth. And this method of legislation is vastly prolific, of that large crop of "incongruous, ungrammatical, unconstitutional, immaterial and dangerous" provisions of law, which abound in our statute books to the annoyance of courts, the confusion of the people, and the detriment of public justice. But my advice was either unheeded, or considered impertinent, and the result was that important measures sent me in the closing hours of the session, for want of time for their consideration, were unavoidably laid aside. Now at the risk of being again considered impertinent, I repeat the admonition of two years ago, and add that the Organic Act of this Territory provides that the Governor shall have three days for the consideration of bills, before approving them, and that the obligations I owe to the people, and to my own conscience, will impel me to withhold the executive approval from all bills, which I have not had time and ample opportunity to examine, and consider. Let us then proceed at once to the consideration of all important measures, and leave only the unimportant to the last "pocket vetoes."

CONCLUSION.

And in conclusion, allow me to say, that if anything I have said, I have offended any man, or any class of men, I have not intended to do so, but have simply expressed my own conscientious convictions, and should despise myself if I did otherwise. And I assure you it shall be my greatest pleasure to co-operate with you, in all your efforts for the promotion of the general welfare, the advancement of the public good, the enactment of wise and judicious laws, and the protection of the rights and liberties of the people.

T. W. BENNETT.

Boise City, December 8, 1874.

TREASURER'S REPORT.

OFFICE OF TREASURER OF IDAHO TERRITORY,
BOISE CITY, December [illegible], 1874.

To His Excellency, Thomas W. Bennett, Governor, and the Honorable Council and House of Representatives of the Territory of Idaho:

GENTLEMEN:—In compliance with law defining the duties of the Treasurer of Idaho Territory, I have the honor to submit the following Biennial Report of the transactions of this office during the two fiscal years commencing December 1, 1872, and ending November 30, 1874, as shown by the books in this office, as follows:

FIRST—Receipts from County Treasurers.
SECOND—Disbursements.
THIRD—Transactions in each Fund.
FOURTH—Recapitulation.
FIFTH—Territorial Debt.

Very respectfully,
Your obedient servant,
JOHN HUNTOON,
Territorial Treasurer.

Receipts into the Territorial Treasury.

From Co Treasurers.	11th fiscal year.	12th fiscal year.	Amount.
Ada,	$ 9,889 22	$ [illegible] 39	$ 18,994 61
Alturas,	1,011 26	1,112 07	2,123 33
Boise,	10,[illegible] 99	8,[illegible] 05	19,047 04
Idaho,	1,239 41	1,035 37	2,274 78
Lemhi,	1,535 56	380 66	1,916 22
Nez Perce,	4,433 41	4,650 77	9,084 18
Owyhee,	6,694 58	5,761 72	12,456 30
Oneida,	2,804 79	3,883 36	6,688 15
Shoshone,	872 58	697 65	1,570 23
Library Fund.	10 00		10 00
	$39,138 80	$35,026 04	$74,164 84
Balance on hand Dec. 1, 1872,			11,284 82
Total,			$[illegible]49 66

Disbursements.

	11TH YEAR,	12TH YEAR,	AMOUNT.
General Fund,...	$14,663 15	13,295 83	27,958 98
Prison Fund, ...	11,552 87	11,713 89	23,266 76
Sinking Fund,..	10,101 38	6,853 92	16,955 30
School Fund,.....	3,697 10	3,855 03	7,552 13
Library Fund....	39 72	....	39 72
	$40,054 22	$35,718 67	$75,772 89
Balance in the Treasury, Nov. 30, 1874,...			9,676 77
Total,.....			$85,449 66

NOTE.—No Report from Lemhi and Idaho Counties for quarter ending Nov. 11, 1874.

General Fund.

	Receipts.	Payments.
Nov. 30, 1872, Bal. in Fund,	$ 1,534 11	
Am't appor'd from receipts 11th fiscal year,....	15,557 14	
do. do. 12th fiscal year,	13,988 87	
Controller's Warrants and vouchers paid 11th fiscal year... ..		$14,663 15
do. do. 12th fiscal year,		13,295 83
Bal. in Fund Nov. 30, 1874,		3,121 14
Total,.....	$31,080 12	$31,080 12

PRISON FUND.

	Receipts.	Payments.
Nov. 30, 1874, bal. in Fund, ...	2,515 07	
Apportioned from receipts 11th fiscal year,.....	11,667 85	
do. receipts 12th fiscal year,	11,701 65	
Controller's warrants and vouchers paid 11th fiscal year,		11,552 87
do. paid 12th fiscal year,		11,713 89
Balance in Fund, Nov. 30, 1874		1,407 83
Total...	$24,674 59	$24,674 59

SINKING FUND.

	Receipts.	Payments.
Nov. 30, 1872, Balance in Fund,	$3,288 63	
Apportioned from receipts 11th fiscal year,.....	7,778 58	
do. 12th fiscal year.....	6,994 42	

	RECEIPTS.	PAYMENTS.
Paid interest on bonds 11th fiscal year,		$10,101 38
do. do. 12th fiscal year,		6,853 92
Balance in Fund Nov. 30, 1874,		1,106 33
Total,	$18,061 63	$18,061 63

SCHOOL FUND.

Nov. 30, 1872, Balance in Fund,	$3,915 94	
Apportioned from receipts 11th fiscal year,	3,889 28	
Franchise tax, 11th fiscal year,	235 95	
Apportioned from receipts 12th fiscal year,	3,497 20	
Franchise tax 12th fiscal year	53 88	
Paid Controller's warrants, 11th fiscal year,		$3,697 10
do. do. 12th fiscal year.		3,855 03
Balance in Fund, Nov. 30, 1874,		4,040 12
Total,	$11,592 25	$11,592 25

LIBRARY FUND.

	Receipts.	Payments.
November 30, 1872, Bal. in Fund,	$31 07	
Receipts 11th fiscal year,	10 00	
Pd. Judge's warrant 11th fiscal year		$39 72
Balance in Fund, Nov. 30, 1874,		1 35
Total,	$41 07	$41 07

RECAPITULATION.

Total Receipts,	$85,449 66	
Total Disbursements,	75,772 89	
Balance on hand,		$9,676 77
To the credit of the several Funds, as follows:		
General Fund,	$3,121 14	
Prison Fund,	1,407 83	
Sinking Fund,	1,106 33	
School Fund,	4,040 12	
Library Fund,	1 35	
		$9,676 77
NOTE—The above consists in United States Currency,	$6,756 44	
Amount due from ex-Treasurer J. S. Gray,	2,920 33	
		$9,676 77

TERRITORIAL DEBT

TERRITORIAL BONDS.

First series—issued 1866—due December 1, 1875—coin—	$43,541 09	
Interest due on same—coin—	3,186 83	$47,727 92
Second series—issued 1867, due December 1, 1876—coin—	$21,517 42	
Interest due on same—coin—	1,380 12	$22,897 54
Total coin debt,		$69,625 46

GENERAL FUND.

Controller's Warrants on register, unredeemed,	$20,921 01	
District Judge's warrants on General Fund unredeemed,	750 00	
Interest on same,	2,571 19	$24,242 20

PRISON FUND

Controller's Warrants on register, unredeemed,	$28,017 66	
Interest on same,	8,400 88	$36,418 54
		$60,660 74
Less cash in Treasury,		9,676 77
Total currency debt,		$50,983 97
Total indebtedness, Nov. 30, '74, in coin,	$69,625 46	
currency,	50,983 93	

Controller's Report

CONTROLLER'S OFFICE,
Idaho Territory,
BOISE CITY, DECEMBER 1, 1874.

To His Excellency, Thomas W. Bennett, Governor, and the Members of the Legislative Assembly of the Territory of Idaho:

GENTLEMEN: In conformity with law, I have the honor to submit to you the Biennial Report of the transactions of this office, from the first day of December, 1872, to the first day of December, 1874, which shows the operations of this department for the past two years, and exhibits the conditions of the finances, revenues, taxables, funds, resources, and incomes of the Territory:

The total indebtedness of the Territory, November 30, 1872, was	$135,495 06
The indebtedness December 1, 1874, as shown by Statement No. XI, is, on bonds with interest	69,625 46
On outstanding warrants and interest, less am't on hand,	60,642 74

It will be seen by tabular statement No. IX, that the receipts from all sources, for the years 1873 and 1874, by the Territorial Treasurer, are $74,701 98, which is about ten thousand dollars less than was received during 1871–'72, which is owing to the fact that two of the counties, Idaho and Lemhi, have not reported for the last quarter, in time for this report, and for the additional reason that there is a large amount of delinquent taxes in Ada county, and some of the other counties which have not yet been collected.

In statement No. X, is given an exhibit of the revenue collected from all sources in 1873, and the expense of collecting the same. It will be seen that some of the counties make exhorbitant charges for collecting the Territorial proportion of revenue, and that no two counties charge alike, viz: While Ada county charges only 16 per cent., Alturas county charges 38 per cent.; Boise county 23 per cent.; Lemhi county 43 per cent.; Idaho county 45 per cent.; Nez Perce county 33 per cent.; Owyhee county 21 per cent.; Oneida county 28 per cent.; and Shoshone county 36 per cent. And the Territory pays for the collecting of $52,952 23, the sum of $13,823 43, or 26 per cent.

As far as I have been able to judge, the people seem in favor of having the counties pay into the Territorial Treasury the Territorial proportion of revenue free of charge, and thus do away with this method of allowing Boards of county Commissioners to give vouchers to collectors or other officers, for any amount they may feel disposed to give.

There are many amendments to the Revenue law, which will be presented to your honorable body, a few of which I will mention:

SEC. 70, 5th session laws, provides that no poll tax receipts shall be valid unless issued after the first Monday in April. This section should be amended to read: "Unless issued after the first Monday in March, so as to give the tax collector more time to collect from transient people; and this section should be further amended, to require the tax collector and Treasurer to make their settlement with the county Auditors on the third Monday in February, instead of the third Monday in March.

SEC. 71, should read, "at the settlement required on the third Monday in February," instead of March; and this section should be further amended, and I consider this a very important provision, in 7th line this section should read, "on the first Monday in March of each year, the county Auditors shall transmit a certified statement," etc. etc.

I wish, particularly, to call the attention of your honorable body to section 101. This section requires the county Auditors to report to the Territorial Controller on the second Mondays of March, June, September and November, in each year. The fiscal year commences April 1st., and it will be seen that the last report for the old year, is made on the second Monday in March, consequently does not include the whole business transacted during March, which is the last month of the old year. The next report is made on the second Monday in June, and

of course includes part of the last quarter of the old year, to-wit: the time intervening between the second Monday of March and the first day of April, and part of the first quarter of the new year; hence there is confusion, as it is very difficult to tell how much of the money reported, belongs to the old, and how much to the new year. So confusing has this matter been, that my predecessor found it impossible to balance his books in consequence. I would recommend that the Auditors report on the second Mondays of April, July, October and January, as under this plan the Auditor's reports for April would give all the business transacted during the last quarter of the year, and there would be no mixing on one report parts of two quarters of different years.

SEC. 106, in sixth line after the word day, should read, "the tax collector should return to the Auditor all unsold miscellaneous licenses."

SEC. 1, of the Revenue law, should provide that whenever the Board of county Commissioners levy a tax upon each one hundred dollars of taxable property, they should direct their clerk to deliver a certified copy thereof to the Controller. At present there is no law requiring the Auditors, or clerks of Boards of county Commissioners to make such a statement, and without it, it is impossible for the Controller to tell whether the counties pay their proportion of taxes or not. I will here state, however, that some of the Auditors, understanding the necessity of this statement, have, upon my request, reported the amount of tax levied upon each one hundred dollars.

The healthy condition of the finances of the Territory for the last two years has been a source of satisfaction and congratulation to its creditors, and if a prudent system be preserved for the next four years, the warrants on the General and Prison Funds will have been paid.

PRISON FUND.

Since the excellent arrangement which was made by Governor Bennett with the Marshal of the United States, the cost of keeping the Territorial prisoners, has been very small compared to what it was prior to March 1873. The cost of keeping said prisoners, as shown by the books of this office, was, in 1869, $17,657 49; in 1870, $18,787 98; in 1871, 11,471 56. The cost for two months and twenty-one days, in 1872, to-wit: From January 1st, to March 21st, was $3,758 25; while the cost from March 21st, to December 1st of the same year was only $3,064 83, showing that it cost the Territory $711 42

more to keep the prisoners 2 months and 21 days under the old regime than it did under the new, to keep them 8 months and 10 days. The cost in 1873, was $2,542 14, and in 1874, is $1,778 40. The average cost under the old regime [redacted]6,-972 33, and the present average cost is $2.210 27; a saving of $13,762 06 per annum to the Territory.

BONDED DEBT.

The bonded debt of the Territory is $65,058 51, $43,541 09 of which will become due December 1, 1875, and the balance. $21,517 42, the first of December, 1876. Some means will have to be provided by this Legislature to meet this debt. As the Territory is unable to pay, I would recommend the re-bonding of the debt. Governor Bennett has given this matter his earnest attention, and as he seems to have mastered the whole situation, I would respectfully refer your honorable body to his writings upon that subje[redacted]

The amount apportioned to the sinking fund has not been sufficient to pay the interest on the bonds as it became due. I would request, in justice to the bondholders that the Treasurer be allowed to apportion to this fund, an amount sufficient to pay the yearly interest promptly. The amount in arrears is $3,965 05 in currency. I would advise that the first money received into the Treasury be revert[redacted]his fund, until the interest now due is paid. I would also recommend that the money now to the credit of the school fund, be transferred to the sinking fund, to be applied to interest now due. I would advise abolishing the school fund, particularly while the Territory is in debt. This Fund has not been of much benefit, except to one county. The whole Territory is taxed for this purpose, and more than half of the whole amount goes to Oneida hence eight counties are taxed to support the schools of this one county.

RETRENCHMENT.

Much will be said before your honorable body about retrenchment, and it will be plainly seen from statement No. X that reform is certainly needed in some of the counties. Genuine economy is an excellent thing in the Territory, as well as in the individual. Retrenchment that will result in reform, is most commendable. But there is a palpable difference between judicious pruning, and swinging an ax, as some would expect you to do, for the mere pleasure of cutting, and there is a plain distinction between conscientious frugality, and dangerous parsimony. For that parsimony is always dangerous which is il-

liberal or unjust, and the public can less afford to treat her servants with miserly rudeness than even bankers or merchants can, for the inevitable consequence will be in one case or the other, either inefficiency or dishonesty. No one will deny the importance of securing men of high character and ability for public trusts, and it would be folly to look for such security against abuses, if the salaries of officers were below what the same class of men might secure in private stations. Public offices are public trusts. Officers are servants. They should be selected because they know how to perform their work. The higher the standard, the more honorable the position, and the better the pay should be. And I here submit that the salaries of Territorial Treasurer and Controller are very small, obliged as they are, to receive their pay in warrants; and I respectfully urge that the members of your honorable body examine into the amount of work required of the Treasurer and Controller, and then determine whether the pay is too great or too little.

The amount of $250 allowed for contingent fund, I have found hardly sufficient to pay the postage and expressage of this office, and I am now in arrears for thirteen months rent of office.

The Controller is required by law to make an estimate of the receipts and expenditures for the two succeeding years, but experience proves that such an estimate is of little practical value, as the Legislature may change entirely the amount of revenue. I have made a careful estimate herein, which will appear under the proper heading, and which I submit with the remark that it is based upon the ordinary receipts and expenditures under existing laws.

COUNTY INDEBTEDNESS.

I think it would be a material aid to intelligent legislation, if County Auditors were required by law, to transmit biennially, a report to this office, of the financial condition of their several counties. By incorporating these statements in the Controller's biennial report, the financial condition of the Territory, as a whole, could be accurately given, and just local legislation receive the assistance of a full knowledge of local indebtedness.

A detailed statement of the affairs of the Territory will be given under the following heads:

STATEMENT 1.

Showing the amount of Warrants drawn on General Fund, from January 1, 1873, up to, and including December 1, 1874.

STATEMENT 2.

Showing the amount of Warrants drawn on General Fund, for Legislative expenses, and bills allowed by the Legislature for 1872–3, Seventh Session.

STATEMENT 3.

Showing the amount of Warrants drawn on General Fund, for the payment of the salary of District Attorneys, for the years 1873–'4.

STATEMENT 4.

Showing the amount of Warrants drawn on General Fund, for the payment of salaries of Territorial Treasurer and Controller, for the years 1873–'4.

STATEMENT 5.

Showing the amount of Warrants drawn on General Fund, for printing blanks for Territorial Controller's office, for the years 1873–'4.

STATEMENT 6.

Showing the amount of Warrants drawn on General Fund, for rent of office for Clerk of Supreme Court, for 1873–'4.

STATEMENT 7.

Showing total of preceding statements, on General Fund.

STATEMENT 8.

Showing the amount of Warrants drawn on Prison Fund, for the years 1873–'4.

STATEMENT 9.

Showing the account of Territorial Treasurer with Territorial Controller.

STATEMENT 10.

Showing the amount received from the several counties on property, poll, license and franchise tax, and amount of expense charged for collecting the same for 1873.

STATEMENT 11.

Showing the estimate of revenue for the years 1875-'76.

STATEMENT 12.

Showing the estimated expenditures for the years 1875-'76.

STATEMENT 13.

Showing Territorial indebtedness December 1, 1874.

STATEMENT 14.

Showing the amount of the assessment rolls of the different counties in the Territory for the years 1873-'74.

STATEMENT 15.

Showing the number of poll tax receipts sold for the years 1873-'74.

Respectfully submitted,

JOSEPH PERRAULT, Territorial Controller.

CONTROLLER'S REPORT.

Statement Number 1.

Warrants drawn on General Fund since January 1, 1873, up to and including December 1, 1874.

January, 1873.

Name.	*For what purpose*	*No*	*Amt*
John Huntoon,	services as Territorial Treasurer	824	250 00
Daniel Cram,	" " " Controller	825	500 00
J. A. Pinney & Co.,	stationery for "	826	39 20
E. J. Curtis,	rent Territorial Library	827	41 66
A. Heed,	District Attorney per act 7th session	828	952 00
Territorial Secretary	for postage stamps.	829	100 00
" "	copying acts 7th session	830	100 00
V S Anderson,	services Journal Clerk, 7th session	831	200 00
Territorial Treasurer,	for advertising	832	250 00
Not issued		833	
W. P. Thompson,	maps Idaho Territory	834	50 00
James Herd,	porter H. R., 7th session	835	160 00
H. W O. Margary,	2d ass't clerk, H. R., 7th session	836	20 00
Wm. Thews,	services 7th session	837	40 00
Miss Molly Heed,	enrolling clerk H. R., 7th session	838	40 00
R. H. Ward,	Journal clerk " " " "	839	200 00
E. Price,	page " " " "	840	120 00
Alf. O. Byrd,	page in Council " "	841	120 00
Idaho World,	*publishing company*, advertising	842	52 00
" "	" " election proclamation	843	55 00

FEBRUARY.

E. J. Curtis,	rent Territorial Library	844	24 01
Milton Kelly,	printing blanks	845	365 50
Ada Co,	publishing company election proclamation	846	60 00
E. J. Curtis,	rent Territorial Library	847	20 83
Milton Kelly,	printing and stationery	848	494 00
John Clark,	*District Attorney 1st District*	849	375 00
E. J. Curtis,	rent Territorial Library	850	20 83
Thomas Donaldson,	blanks furnished Controller	851	400 00
"	" " " "	852	200 00
"	" " " "	853	190 00
F. E. Ensign,	District Attorney 3d District	854	375 00
R. E. Foote	" " 2d "	855	375 00
D. Cram,	services as Territorial Controller,	856	375 00
John Huntoon,	*services as Territorial Treasurer*	857	250 00

MAY.

E J. Curtis,	rent Territorial Library	858	20 83
C. W. Moore,	rent Supreme Court room	859	210 00

JUNE.

E J. Curtis,	rent Territorial Library	860	20 83
Relief of J. G. Berry	act 7th session 1872-73	861	750 00
D. Cram,	services as Territorial Controller	862	375 00
John Huntoon,	*services as Territorial Treasurer*	863	250 00
F. E. Ensign,	District attorney, 3d District	861	375 00

JULY.

R E. Foote	" " 2d "	865	375 00

John Clark, District Attorney 1st District ..	866		375 00
AUGUST.			
E. J. Curtis, rent Territorial Library	867		41 66
E. J. Curtis, " " "	868	..	20 83
OCTOBER.			
John Huntoon, services as Territorial T[illegible]	869.	.	250 00
Joseph Perrault, " " " Controller	870	[illegible]	375 00
E. J. Curtis, rent Territorial Library room .. .	871.	..	20 83
John Clark, District Attorney 1st District ...	872	..	375 00
R, E. Foote, " " 2d " .	873.	.	375 00
F. E. Ensign, " " 3d "	874	.	375 00
Milton Kelly, printing for Controller, indexing laws, and stationery for Secretary . .	875		407 00
E. J. Curtis, distributing of laws	876		58 00
C. W. Moore, rent of office clerk Supreme Court	877	.	125 00
E. J. Curtis, rent Territorial Library room.. .	878	.	20 83
NOVEMBER.			
Idaho World publishing company, printing .	879		35 83
W. J. Hill, papers to Secretary. . . .	880		13 33
Milton Kelly, papers to Secretary.	881		13 33
Leland & Dormer papers to Secretary	882	.	10 00
DECEMBER.			
E- J Curtis, rent Territorial Library room ...	883	.	20 83
E. J. Curtis, " storage of arms. . .	884	.	96 00
E. J. Curtis, " Territorial Library room	885		20 83
John Huntoon services Territorial Treasurer ..	886.	..	250 00
Joseph Perrault, " " Controller ..	887.		375 00
Not issued	888		
John Clark, District Attorney 1st District	889	.	375 00
R. E. Foote " " 2d .	890	.	375 00
Total 1873			$13,595 49

January, 1874.

Name.	*For what purpose.*	*No.*	*Amt*
F. E. Ensign, District Attorney 3d District		891	375 00
Milton Kelly, printing and advertising.		892	39 00
E. J. Curtis, rent Territorial Library room		893	20 83
FEBRUARY.			
Milton Kelly, printing		894	37 50
Milton Kelly, printing for Controller's office		895	640 00
E. J. Curtis, rent Territorial Library room		896	20 83
MARCH.			
E. J. Curtis, " " " "		897	20 83
John Huntoon, services as Territorial Treasurer		898	250 00
Joseph Perrault, " " " Controller		899	375 00
APRIL.			
R. E. Foote, services as District Attorney 2d Dis.		900	375 00
C. W. Moore, rent office clerk Supreme Court ..		901	125 00
F. E. Ensign, services as District Atty. 3d District		902	375 00
John Clark " " " " 1st "		903	375 00
MAY.			
E. J. Curtis, rent Territorial Library room		904	20 83

Adam Gasser, moving arms guns and ammunition	905	17 00
E. J. Curtis, rent Territorial Library room	906	20 83
JUNE.		
Wm. B. Morris, books for Territorial Library	907	90 22
E. J. Curtis, rent for Territorial Library room	908	20 83
John Huntoon, services as Territorial Treasurer	909	250 00
Joseph Perrault, " " " Controller	910	375 00
F. E. Ensign services as Dist. Attorney 3d Dis.	911	375 00
JULY.		
R. E. Foote, " " " " 2d "	912	375 00
John Clark " " " " 1st "	913	375 00
Milton Kelly, publishing election proclamation	914	25 00
W. J. Hill, " " "	915	25 00
H. Leland, " " "	916	25 00
Egbert W. Jones " " "	917	25 00
E. J. Curtis, rent Territorial Library room	918	20 83
SEPTEMBER.		
E. J. Curtis, " " " "	919	20 83
OCTOBER.		
John Huntoon, services as Territorial Treasurer	920	250 00
Joseph Perrault, " " " Controller	921	375 00
E. J. Curtis, rent Territorial Library room	922	20 83
John Clark, services District Attorney 1st Dis	923	375 00
R. E. Foote, " " " 2d "	924	375 00
F. E. Ensign " " " 3d "	925	375 00
NOVEMBER.		
E. J. Curtis, rent Territorial Library room	926	20 83
C. W. Moore, rent office clerk Supreme Court	927	100 00
Total 1874		$6,982 02
Total for 1873 brought forward		13,595 49
Total for two years		$20,577 51

Statement Number 2.

Showing the amount of Warrants drawn on General Fund for Legislative expenses and bills allowed by the Legislature of 1872-73, 7th session.

Name,	*For what purpose.*	*No*	*Amt.*
A. Heed, as District Attorney		928	952 00
Territorial Secretary for postage stamps		829	100 00
Territorial Secretary, copying acts 7th session		830	100 00
V. S. Anderson, journal clerk of Council		831	200 00
W. P. Thompson, maps of Idaho Territory		834	50 00
James Herd, porter House of Representatives		835	160 00
H. W. O. Margary, 2d assistant clerk H. R.		836	20 00
Wm. Thews, services 7th session		837	10 00
Miss Mollie Heed, enrolling clerk H. R		838	10 00
R. H. Ward, journal clerk H. R.		839	200 00
E. Price, page H. R.		840	120 00
Alf. O. Byrd, page Council		841	120 00
Milton Kelly, printing and stationery 7th session		848	494 00
Relief John G. Berry		861	750 00
Total			$3,317 00

Statement Number 3.

Showing the amount of Warrants drawn on the General Fund for the payment of the salary of District Attorneys for the years 1873-74.

Name.	*For what purpose.*			*Amt.*
John Clark,	District Attorney	1st District	1873	375 00
F. E. Ensign,	" "	3 "	"	375 00
R. E. Foote,	" "	2 "	"	375 00
F. E. Ensign,	" "	3 "	"	375 00
R. E. Foote,	" "	2 "	"	375 00
John Clark,	" "	1 "	"	375 00
John Clark,	" "	1 "	"	375 00
R. E. Foote,	" "	2 "	"	375 00
F. E. Ensign,	" "	3 "	"	375 00
John Clark,	" "	1 "	"	375 00
R. E. Foote,	" "	2 "	"	375 00
F. E. Ensign,	" "	3 "	"	375 00
R. E. Foote,	" "	2 "	1874	375 00
F. E. Ensign,	" "	3 "	"	375 00
John Clark,	" "	1 "	"	375 00
F. E. Ensign,	" "	3 "	"	375 00
R. E. Foote,	" "	2 "	"	375 00
John Clark,	" "	1 "	"	375 00
John Clark,	" "	1 "	"	375 00
R. E. Foote,	" "	2 "	"	375 00
F. E. Ensign,	" "	3 "	"	375 00
Total				$7,875 00

Statement Number

Showing the amount of Warrants drawn on General Fund for the payment of salaries of Territorial Treasurer and Controller for the years 1873-'74.

Name.	*For what purpose.*	*Amt.*
Daniel Cram,	salary as Controller	750 00
Joseph Perrault,	" "	1,875 00
John Huntoon,	services as Treasurer	1,750 00
Total		$4.375 00

Statement Number 5

Showing the amount of Warrants drawn on General Fund for printing blanks for Territorial Controller for the years 1873-'74.

Name.	*For what purpose*	*Amt.*
Thos. Donaldson,	per contract 1873	790 00
Milton Kelly,	1873	308 00
Milton Kelly,	per contract 1874	640 00
Total for two years		$1,738 00

Statement Number 6.

Showing the amount of warrants drawn on General Fund for rent of office for Clerk of Supreme Court for 1873-'74.

C. W. Moore,	warrant number	859	210 00
C. W. Moore,	" "	877	125 00
C. W. Moore,	" "	901	125 00
C. W. Moore,	" "	927	100 00
Total			$560 00

Statement Number 7.

Recapitulation Summary.

Showing total of preceding statements on General Fund.

Legislative expenses 1872-'73	8,347 00
District Attorneys	7,875 00
Salaries of Controller and Treasurer	4,375 00
Printing blanks for Controller	1,738 00
Rent of office of Clerk of Supreme Court	560 00
Miscellaneous items	2,682 51
Total	$20,577 51

Statement Number 8.

Prison Fund.

Warrants drawn on Prison Fund from January 1, 1873 to December 1, 1874.

Name	1873 For what purpose	No.	Amt.
Joe Pinkham. U. S. M., keeping Ter. Prisoners		221	265 71
" "	" " " "	222	287 14
" "	" " " "	228	200 00
" "	" " " "	224	258 33
" "	" " " "	225	250 00
" "	" " " "	226	258 33
" "	" " " "	227	233 33
" "	" " " "	228	190 75
" "	" " " "	229	177 14
" "	" " " "	230	171 42
" "	" " " "	231	171 42
" "	" " " "	232	128 57
Total			$2,542 14
	1874		
Joe Pinkham, U. S. M. keeping Ter. Prisoners		233	132 85
" "	" " " "	234	132 85
" "	" " " "	235	120 00
" "	" " " "	236	132 85
" "	" " " "	237	128 59
Transportation of Ah Sung from Lewiston to Penitentiary.		238	320 00
Joe Pinkham, U. S. M. keeping Ter. Prisoners		239	134 28
" "	" " " "	240	171 42
" "	" " " "	241	174 22
" "	" " " "	242	152 77
" "	" " " "	243	128 57
Total			$1,778 40

Statement Number 9.

Territorial Treasurer in account with Territorial Controller.

		DR.
	To cash on hand December 1, 1872	8,364 49
1873.		
March 30.	Amount received from Co. Treasurers	2,247 63
June 9	" " " " "	4,954 26
Nov 1	" " " " "	16,005 09
"	Amt. recovered from ex-Controller, Daniel Cram	537 14
Dec 31	Amt. rec'd from County Treasurers	16,526 11
1874.		
April 22	Amt rec'd from County Treasurers	2,722 56
June 30,	" " " " "	2,783 62
Oct. 31,	" " " " "	14,649 87
Dec. 1,	" " " " "	14,875 70
	Total	$83,066 47

		CR.
1873.		
March 30,	By Paid Sundries	9,932 73
June 9,	" " "	3,667 73
Nov 1	" " "	9,709 16
" "	" " "	2,231 50
Dec. 31	" " "	15,001 24
1874.		
April 22	" " "	7,083 65
" "	" " "	712 93
June 30	" " "	3,359 49
Oct. 31	" " "	13,480 15
Dec. 1	" " "	11,131 45
	Total amount paid out	$76,310 03
	To cash on hand December 1, 1874	6,756 44
	Total	$83,066 47

Statement Number 10.

Showing the amount received from the several counties, on property, poll, license and franchise tax, and amount of expense charged for collecting the same for 1873.

ADA COUNTY.

Property tax	$9,188 39	Poll tax	$798 95	Licenceses	$926 83	
Expense	700 52	Expense	94 91	Expense	113 65	
Amount expense allowed by County Commissioners					$1,024 95	
Amount paid Territorial Treasurer						$9,889 22

SUMMARY

Total amount collected	$11,823 25	
" " expense	1,934 03	
Balance paid Territorial Treasurer	$9,889 22	

ALTURAS COUNTY.

Property tax	$934 12	Poll tax	$311 60	License tax	$114 56	Sch'l tax	$39 80
Expense	151 85	Expense	74 30	Expense	19 42	Expense	4 75

Amount of expense allowed by County Commissioners	$388 91	
Amount paid Territorial Treasurer		$1,011 26

SUMMARY

Total amount collected	$1,650 49	
" " expense	630 23	
Balance paid Territorial Treasurer	$1,011 25	

BOISE COUNTY.

Property tax	7,646 50	Poll tax	2,829 71	License tax	1,252 98	Sch'l tax	4 70
Expense	898 94	Expense	941 93	Expense	319 37	Expense	

Amount expense allowed by County Commissioners	1,085 90	
Amount paid Territorial Treasurer		10,647 99

SUMMARY

Total amount collected	13,894 09	
" " expense	3,246 10	
Balance paid Territorial Treasurer	10,647 99	

IDAHO COUNTY.

Property tax	992 03	Poll tax	733 61	License tax	110 45		
Expense	149 49	Expense	173 99	Expense	29 72		

Amount allowed by County Commissioners	596 68	
Amount paid Territorial Treasurer		1,239 41

SUMMARY

Total amount collected	2,189 29	
" " expense	949 88	
Balance paid Territorial Treasurer	1,239 41	

LEMHI COUNTY.

Property tax	1,547 55	Poll tax	676 00	License tax	223 00		
Expense	237 98	Expense	102 00	Expense	22 20		

Amount of expense allowed by County Commissioners	924 90	
Amount paid Territorial Treasurer		1,535 56

SUMMARY

Total amount collected	2,823 88	
" " expense	1,288 32	
Balance paid Territorial Treasurer	1 535 56	

NEZ PERCE COUNTY.

Property tax $8,635 23	Poll tax $922 05	License tax $809 78		
Expense 890 89	Expense 214 19	Expense 210 85		
Amount of Expense allawed by County Commissioners			$933 65	
Amount paid Territorial Treasurer				$4,493 41

SUMMARY

Total amount collected	$6,052 57	
" " expense	2,249 16	
Balance paid Territorial Treasurer	$4,493 41	

OWYHEE COUNTY.

Property tax,5,710 89	Poll tax 996 80	License tax 922 95		
Expense 674 21	Expense 169 20	Expense 102 55		
Amount of expense allowed by County Commissioners			936 00	
Amount paid Territorial Treasurer				6,694 58

SUMMARY

Total amount collected	8,576 60	
" " expense	1,882 02	
Balance paid Territorial Treasurer	6,694 58	

ONEIDA COUNTY.

Property tax 2,096 27	Poll tax 465 20	License tax 205 00	School tax 191 45	
Expense 283 95	Expense 82 80			
Amount of expenses allowed by County Commissioners			757 18	
Amount paid Territorial Treasurer				2 804 79

SUMMARY

Total amount collected	3,928 67	
" " expense	1,123 88	
Balance paid Territorial Treasurer	2,804 79	

SHOSHONE COUNTY.

Property tax $537 17 Expense 82 52	Poll tax $430 00 Expense 86 00	License tax $218 00 Expense 32 70		
Amount of expenses allowed by County Commissioners			$309 59	
Amount paid Territorial Treasurer				$872 58
SUMMARY				
Total amount collected			$1,383 39	
" " expense			510 81	
Balance paid Territorial Treasurer			$872 58	
Total amount paid Treasurer for 1873				$39,128 80
AGGREGATE OF ALL THE COUNTIES				
Total amount of taxes collected in the Territory 1873				$52,952 23
" " " expenses for 1873				13,823 43
				$39,128 80

Statement Number 11.

Showing the estimate of the revenue for the years 1875 and 1876.

From Property Tax,	$56,283 60
" Poll "	14,081 10
" License "	8,145 14
Total,	$78,509 84

Statement Number 12.

Showing the estimated expenditures for the years 1875 and 1876.

Territorial Prisoners,	$3,000 00
Interest on Bonds,	17,132 00
Salary of Controller,	3,000 00
" " Treasurer,	2,000 00
Printing blanks,	1,500 00
Interest on Prison Fund Warrants	5,000 00
" " General "	2,000 00
Legislative expenses, 8th session,	3,000 00
Salary of three District Attorneys,	9,000 00
Total,	$45,632 00

Statement No. 13.

Territorial Debt.

Showing the total amount of Indebtedness, December 1, 1874.

Territorial Bonds, first series, coin, due Dec. 1 187	$43,541 00	
Interest on same	3,186 83	
		$46,727 92
Territorial Bonds, second series, coin, due Dec. 1, 1876	$21,517 42	
Interest on same	1,380 12	
		22 897 54
		69,625 46

General Fund.

Controllers Warrants unredeemed	$20,921 01	
District Judges Warrants unredeemed	750 00	
Interest on same	2,571 19	
		$24,242 20

Prison Fund.

Controllers Warrants unredeemed	$28,077 66	
Interest on same	8,490 88	
		$36 418 54
Less cash in Treasury	$6,758 41	
Amount due from ex Treasurer, J. S Gray	2,020 33	
		$9,676 77

Total Indebtedness.

Bonds and Interest, coin, - - - - - -	$69,625 46
Warrants, " currency, - - - - - -	50,983 97

Statement No. 14,

Showing the amount of Assessment Rolls of the different counties in the Territory for the years 1873 and 1874.

	Taxable Property		*Taxable Inhab.*	
Counties.	1873.	1874.	1873.	1874.
Ada,	$1,216,331 50	$1,230,857 00	687	663
Alturas,	144,541 50	155,456 00		
Boise,	896,865 41	872,496 30	626	565
Idaho,	136,618 27	137,729 60	149	203
Lemhi,	194,199 00	149,760 00	364	260
Nez Perce	536,358 00	566,330 31	330	388
Owyhee,	663,320 37	696,188 28	659	275
Oneida,	513,851 00	654,945 00	804	873
Shoshone,	61,504 67	49,260 00	270	192
Totals,	4,363 589 72	4,518 022 49	3,889	3,419

Statement No. 15.

Showing the number of Poll Tax Receipts sold for the years 1873 and 1874.

Counties.	No. $4 1873.	No. $5 1873.	Total. for year	No. $4 1874.	No. $5 1874.	Total for year.
Ada,	331	307	638	304	82	385
Alturas,	193	6	199	166		166
Boise,	1,406	357	1763	1,256	278	1,534
Idaho,	362	89	451	361		361
Lemhi,	236	87	323	201	13	214
Nez Perce,	494	41	535	579	25	604
Owyhee,	413	94	507	312	6	318
Oneida,	168	125	293	223		223
Shoshone,	200	15	215	179	28	207
	3,803	1,121	4,924	3,584	432	4013

E. A. Stevenson
Speaker House of
Representatives

Attest

L. A. Coburn
Chief Clerk